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DEPARTMENT OF THE TREASURY

Community Development Financial Institutions Fund

12 CFR Part 1806

RIN 1505–AA91

Bank Enterprise Award Program

AGENCY: Community Development Financial Institutions Fund, Department of the Treasury.

ACTION: Interim rule with request for public comment.

SUMMARY: The Department of the Treasury is issuing a revised interim rule implementing the Bank Enterprise Award Program (BEA Program), administered by the Community Development Financial Institutions Fund (CDFI Fund). This revised interim rule reflects the CDFI Fund's programmatic decision to create two subcategories within the Distressed Community Financing Activities category of Qualified Activities in order to differentiate between: Consumer Loans and Commercial Loans and Investments. This revised interim rule includes revisions necessary to implement this modification to the Distressed Community Financing Activities category, as well as to make certain technical corrections and other updates to the current rule.

DATES: *Effective date:* August 10, 2016. All comments must be written and must be received in the offices of the CDFI Fund on or before October 11, 2016.

ADDRESSES: You may submit comments concerning this revised interim rule via the Federal e-Rulemaking Portal at *http://www.regulations.gov* (please follow the instructions for submitting comments). All submissions received must include the agency name and Regulatory Information Number (RIN) for this rulemaking. Other information regarding the CDFI Fund and its programs may be obtained through the CDFI Fund's Web site at *http://www.cdfifund.gov.*

FOR FURTHER INFORMATION CONTACT: Robert Ibanez, BEA Program Manager, Community Development Financial Institutions Fund, at *bea@cdfi.treas.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

The CDFI Fund, Department of the Treasury, was authorized by the Community Development Banking and Financial Institutions Act of 1994, as amended (12 U.S.C. 4701 *et seq.*) (the Act). The mission of the CDFI Fund is to expand economic opportunity for underserved people and communities by supporting the growth and capacity of a national network of community development lenders, investors, and financial service providers. Its vision is an America in which all people and communities have access to the investment capital and financial services they need to prosper. The BEA Program provides awards to depository institutions, insured by the Federal Deposit Insurance Corporation (FDIC), that demonstrate an increase in their activities in the form of loans, investments, services, and Technical Assistance, in Distressed Communities and provide financial assistance to Community Development Financial Institutions (CDFIs) through grants, stock purchases, loans, deposits, and other forms of financial and technical assistance.

Through the BEA Program, the CDFI Fund seeks to: strengthen and expand the financial and organizational capacity of CDFIs; provide monetary awards to insured depository institutions that increase their lending and financial services in Distressed Communities; and increase the flow of private capital into Low- and Moderate-Income areas. Applicants participate in the BEA Program through a competitive application process in which the CDFI Fund evaluates Applicants based on the value of their increases in certain Qualified Activities. BEA Program award Recipients receive award proceeds in the form of a grant after successful completion of specified Qualified Activities.

The CDFI Fund has determined that, under the current rule, Applicants may be disproportionately incentivized to engage in commercial lending activities under the Distressed Community Financing Activity category. Increases in lending for commercial purposes have consistently been reported at higher levels in BEA Program applications than lending to residents of Distressed Communities, likely due to the larger average size of commercial versus consumer transactions, which makes Applicants potentially eligible for larger BEA Program awards. Currently, the Distressed Community Financing Activity category of Qualified Activities consists of seven individual activity-types (Affordable Housing Loans, Small Dollar Consumer Loans, Home Improvement Loans, Education Loans, Affordable Housing Development Loans, Small Business Loans, and Commercial Real Estate Loans). Under the current rule, Applicants report at the activity-type level for Distressed Community Financing Activities, and may choose to report lending for only those activity types within the category that had an increase. This disaggregated method of reporting often does not provide a complete and accurate reflection of the Applicant's net increase in lending to businesses and residents in Distressed Communities, as intended by the Act, because an Applicant's lending typically reflects multiple activity types. This revised interim rule creates two subcategories within the Distressed Community Financing Activities category in order to differentiate between: (1) *Consumer Loans* and (2) *Commercial Loans and Investments. Consumer Loans* consist of: Affordable Housing Loans, Small Dollar Consumer Loans, Home Improvement Loans, and Education Loans. *Commercial Loans and Investments* consist of: Affordable Housing Development Loans, Small Business Loans, and Commercial Real Estate Loans. Applicants will be required to aggregate Baseline Period and Assessment Period amounts at the subcategory levels. In order to substantiate the aggregate amounts reported, Applicants will continue to be required to submit individual transactions at the activity-type level. This regulatory change seeks to increase incentives for Applicants' lending to consumers in Distressed Communities and to ensure that Applicants provide complete and accurate information regarding their Distressed Community Financing Activities.

On May 5, 2015, the CDFI Fund published in the **Federal Register** an interim rule (80 FR 25581) implementing the BEA Program. The deadline for submission of comments was July 3, 2015.

II. Comments on the May 5, 2015, Interim Rule

As of the close of the July 3, 2015 comment period, the CDFI Fund received no comments on the current rule.

III. Summary of Changes

A. *Subpart A:* In subpart A, § 1806.103, Definitions, various changes and updates were made to the defined terms in the rule. Throughout the revised interim rule, the defined term "Qualified Activity" has been replaced by "Eligible Activity" in those instances where the intention is to define authorized uses of BEA Program awards by Recipients as opposed to defining Qualified Activities that are completed and reported by Applicants seeking to receive awards. This change will provide greater clarity to Applicants regarding the requirements to receive and use BEA Program awards.

The term "CDFI Support Activity" is revised in § 1806.103 to remove the specific criteria for "deposits" as such criteria will now be specified in the applicable NOFA. This will allow the CDFI Fund greater flexibility in adapting these criteria to market changes. New definitions have been added in § 1806.103 for "Commercial Loans and Investments" and "Consumer Loans," the two new subcategories under the Distressed Community Financing Activities category. The term "Community Services" has been revised to allow the CDFI Fund the discretion to specify activities that are comparable to Community Services in the applicable NOFA. This will allow the CDFI Fund greater flexibility to adapt this listing to reflect developments in banking community activities. The term "Development Service Activities" has been revised to allow the CDFI Fund the discretion to specify any activities that are comparable to Development Service Activities in the applicable NOFA, again providing greater flexibility for the CDFI Fund to adapt to market developments.

In order to better align the defined individual beneficiaries of various Qualified and Eligible Activities with BEA Program goals, the CDFI Fund in this revised interim rule has clarified where such beneficiaries must be Eligible Residents and where they must be Eligible Residents that also meet BEA Program Low- and Moderate-Income requirements. "Education Loan" is revised in § 1806.103 to ensure that the borrower is an Eligible Resident who meets Low- and Moderate-Income requirements. "Financial Services" is revised in § 1806.103 to remove the requirement that an Eligible Resident receiving such services must also meet Low- and Moderate-Income requirements. "Individual Development Account" has been revised in § 1806.103 to clarify that holders of such accounts must be Eligible Residents who meet Low- and Moderate-Income requirements. The term "Small Dollar Consumer Loan" has been revised in § 1806.103 to ensure that the borrower is an Eligible Resident who meets Low- and Moderate-Income requirements. The term "Targeted Financial Services" is revised in § 1806.103 to remove the requirement that an Eligible Resident receiving such services must also meet Low- and Moderate-Income requirements. "Targeted Retail Savings/Investment Products" has been revised in § 1806.103 to remove the requirement that such products be targeted to an Eligible Resident who also meets Low- and Moderate-Income requirements. "Low- and Moderate-Income" is revised in § 1806.103 to better align with the CDFI Fund's definition of the term across its other programs. The term "Priority Factor" has been revised in § 1806.103 to incorporate the newly-designated subcategories under Distressed Community Financing Activities.

B. *Subpart C:* The title of subpart C has been revised to "Use of Funds/Eligible Activities."

C. *Subpart D:* In subpart D, § 1806.401(a), minor revisions have been made in order to clarify that the section references Qualified Activities conducted by an Applicant prior to award rather than future activities proposed by an Applicant. Section 1806.402(b) has been revised to implement the two new subcategories under the Distressed Community Financing Activities category—Consumer Loans or Commercial Loans and Investments. Under the revised language, if an Applicant chooses to report transactions on any single activity type in either subcategory, the Applicant must report its overall increase on all activity types within that subcategory. Section 1806.402(c) has been revised to remove the requirement that when activities serving a Distressed Community are provided to an Eligible Resident, the resident must also meet Low- and Moderate-Income requirements. Section 1806.403(c) has been revised to provide a basic formula for calculating the estimated award amount for Qualified Activities.

Section 1806.405(b) has been revised to reflect the transition from paper to electronic submission of certain application components. This section has also been revised in 1806.405(b)(6)(ii) to remove a redundant reference to "Eligible Residents that resided in a Distressed Community," where the definition of Eligible Residents already requires that they reside in a Distressed Community.

IV. Rulemaking Analysis

A. Executive Order (E.O.) 12866

It has been determined that this rule is not a significant regulatory action as defined in Executive Order 12866. Therefore, a Regulatory Assessment is not required.

B. Regulatory Flexibility Act

Because no notice of proposed rulemaking is required under the Administrative Procedure Act (5 U.S.C. 553) or any other law, the Regulatory Flexibility Act does not apply.

C. Paperwork Reduction Act

The collections of information contained in this revised interim rule have been previously reviewed and approved by OMB in accordance with the Paperwork Reduction Act of 1995 and assigned the applicable OMB Control Number associated with the CDFI Fund under 1559. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information, unless it displays a valid control number assigned by OMB. The revised interim rule imposes collections of new information, for which the CDFI Fund has OMB approval.

D. National Environmental Policy Act

The revised interim rule has been reviewed in accordance with the CDFI Fund's Environmental Quality regulations (12 CFR part 1815), promulgated pursuant to the National Environmental Protection Act of 1969 (NEPA), which requires that the CDFI Fund adequately consider the cumulative impact that proposed activities have upon the human environment. It is the determination of the CDFI Fund that the revised interim rules does not constitute a major federal action significantly affecting the quality of the human environment, and, in accordance with the NEPA and the CDFI Fund Environmental Quality regulations, neither an Environmental Assessment nor an Environmental Impact Statement is required.

E. Administrative Procedure Act

Because the revisions to this revised interim rule relate to grants, notice and public procedure and a delayed effective date are not required pursuant to the Administrative Procedure Act found at 5 U.S.C. 553(a)(2).

F. Comment

Public comment is solicited on all aspects of this interim rule. The CDFI Fund will consider all comments made on the substance of this interim rule, but it does not intend to hold hearings.

G. Catalog of Federal Domestic Assistance Number

Bank Enterprise Award Program—21.021.

List of Subjects in 12 CFR Part 1806

Banks, banking, Community development, Grant programs—housing and community development, Reporting and recordkeeping requirements, Savings associations.

For the reasons set forth in the preamble, 12 CFR part 1806 is revised to read as follows:

PART 1806—BANK ENTERPRISE AWARD PROGRAM

Subpart A—General Provisions

1806.100 Purpose.
1806.101 Summary.
1806.102 Relationship to other CDFI Fund programs.
1806.103 Definitions.
1806.104 Uniform Administrative Requirements; waiver authority.
1806.105 OMB control number.

Subpart B—Eligibility

1806.200 Applicant eligibility.

Subpart C—Use of Funds/Eligible Activities

1806.300 Eligible Activities.
1806.301 Restrictions on use of award.

Subpart D—Award Determinations

1806.400 General.
1806.401 Community eligibility and designation.
1806.402 Measuring and reporting Qualified Activities.
1806.403 Estimated award amounts.
1806.404 Selection process; actual award amounts.
1806.405 Applications for BEA Program Awards.

Subpart E—Terms and Conditions of Assistance

1806.500 Award Agreement; sanctions.
1806.501 Compliance with government requirements.
1806.502 Fraud, waste, and abuse.
1806.503 Books of account, records, and government access.
1806.504 Retention of records.

Authority: 12 U.S.C. 1834a, 4703, 4703 note, 4713, 4717; 31 U.S.C. 321.

Subpart A—General Provisions

§ 1806.100 Purpose.

The purpose of the Bank Enterprise Award (BEA) Program is to provide grants to Insured Depository Institutions that provide financial and technical assistance to Community Development Financial Institutions and increase their activities in Distressed Communities.

§ 1806.101 Summary.

Through the BEA Program, the CDFI Fund will provide monetary awards in the form of grants to Applicants selected by the CDFI Fund that increase their investments in or provide other support of CDFIs, increase their lending and investment activities in Distressed Communities, or increase their provision of certain services and assistance. Distressed Communities must meet minimum geographic, poverty, and unemployment criteria. Applicants are selected to receive BEA Program Awards through a merit-based, competitive application process. The amount of a BEA Program Award is based on the increase in Qualified Activities that are carried out by the Applicant during the Assessment Period. BEA Program Awards are disbursed by the CDFI Fund after the Recipient has successfully completed projected Qualified Activities. Each Recipient will enter into an Award Agreement, which will require it to abide by terms and conditions pertinent to any assistance received under this part, including the requirement that BEA Program Award proceeds must be used for Eligible Activities, and in accordance with the Uniform Administrative Requirements, as applicable. All BEA Program Awards are made subject to funding availability.

§ 1806.102 Relationship to other CDFI Fund programs.

(a) *Restrictions using BEA Program Award in conjunction with other awards.* (1) Restrictions are in place on applying for, receiving, and using BEA Program Awards in conjunction with awards under other programs administered by the CDFI Fund.

(2) Other programs include, but not limited to, the Capital Magnet Fund, the CDFI Program, the CDFI Bond Guarantee Program, the Native American CDFI Assistance Program, and the New Markets Tax Credit Program, are as set forth in the applicable notice of funding opportunity or Notice of Allocation Availability.

(b) *Prohibition against double funding.* (1) Qualified Activities may not include transactions funded in whole or in part with award proceeds from another CDFI Fund program or Federal program.

(2) An Applicant that is a CDFI may not receive a BEA Program Award, either directly or through a community partnership if it has:

(i) Received a CDFI Program award within the preceding 12-month period, or has a CDFI Program application pending; or

(ii) Ever received a CDFI Program award based on the same activity during the same semiannual period for which the institution seeks a BEA Program Award.

§ 1806.103 Definitions.

For purposes of this part, the following terms shall have the following definitions:

Act means the Community Development Banking and Financial Institutions Act of 1994, as amended (12 U.S.C. 4701 *et seq.*);

Affordable Housing Development Loan means origination of a loan to finance the acquisition, construction, and/or development of single- or multi-family residential real property, where at least 60 percent of the units in such property are affordable, as may be defined in the applicable NOFA, to Eligible Residents who meet Low- and Moderate-Income requirements;

Affordable Housing Loan means origination of a loan to finance the purchase or improvement of the borrower's primary residence, and that is secured by such property, where such borrower is an Eligible Resident who meets Low- and Moderate-Income requirements. Affordable Housing Loan may also refer to second (or otherwise subordinated) liens or "soft second" mortgages and other similar types of down payment assistance loans, but may not necessarily be secured by such property originated for the purpose of facilitating the purchase or improvement of the borrower's primary residence, where such borrower is an Eligible Resident who meets Low- and Moderate-Income requirements;

Applicant means any insured depository institution (as defined in section 3(c)(2) of the Federal Deposit Insurance Act (12 U.S.C. 1813)) that is applying for a Bank Enterprise Award;

Appropriate Federal Banking Agency has the same meaning as in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813);

Assessment Period means an annual or semi-annual period specified in the applicable NOFA in which an Applicant will carry out, or has carried out, Qualified Activities;

Award Agreement means a formal agreement between the CDFI Fund and a Recipient pursuant to § 1806.500;

Bank Enterprise Award (or *BEA Program Award*) means an award made to an Applicant pursuant to this part;

Bank Enterprise Award Program (or *BEA Program*) means the program authorized by section 114 of the Act and implemented under this part;

Baseline Period means an annual or a semi-annual period specified in the applicable NOFA, in which an Applicant has previously carried out Qualified Activities;

CDFI Partner means a CDFI that has been provided assistance in the form of CDFI Related Activities by an unaffiliated Applicant;

CDFI Related Activities means Equity Investments, Equity-Like Loans and CDFI Support Activities;

CDFI Support Activity means assistance provided by an Applicant or its Subsidiary to a CDFI that meets criteria set forth by the CDFI Fund in the applicable NOFA and that is Integrally Involved in a Distressed Community, in the form of the origination of a loan, Technical Assistance, or deposits, as further specified in the applicable NOFA;

Commercial Loans and Investments means the following lending activity types: Affordable Housing Development Loans and related Project Investments; Small Business Loans and related Project Investments; and Commercial Real Estate Loans and related Project Investments;

Commercial Real Estate Loan means an origination of a loan (other than an Affordable Housing Development Loan or Affordable Housing Loan) that is secured by real estate and used to finance the acquisition or rehabilitation of a building in a Distressed Community, or the acquisition, construction and or development of property in a Distressed Community, used for commercial purposes;

Community Development Financial Institution (or *CDFI*) means an entity that has been certified as a CDFI by the CDFI Fund as of the date specified in the applicable NOFA;

Community Development Financial Institutions Fund (or *CDFI Fund*) means the Community Development Financial Institutions Fund established pursuant to section 104(a)(12 U.S.C. 4703(a)) of the Act;

Community Services means the following forms of assistance provided by officers, employees or agents (contractual or otherwise) of the Applicant:

(1) Provision of Technical Assistance and financial education to Eligible Residents regarding managing their personal finances;

(2) Provision of Technical Assistance and consulting services to newly formed small businesses and nonprofit organizations located in the Distressed Community;

(3) Provision of Technical Assistance and financial education to, or servicing the loans of, homeowners who are Eligible Residents and meet Low- and Moderate-Income requirements; and

(4) Other services provided to Eligible Residents who meet Low- and Moderate-Income requirements or enterprises that are Integrally Involved in a Distressed Community, as deemed appropriate by the CDFI Fund, and other comparable services as may be specified by the CDFI Fund in the applicable NOFA;

Consumer Loans means the following lending activity types: Affordable Housing Loans; Education Loans; Home Improvement Loans; and Small Dollar Consumer Loans;

Deposit Liabilities means time or savings deposits or demand deposits. Any such deposit must be accepted from Eligible Residents at the offices of the Applicant or of the Subsidiary of the Applicant and located in the Distressed Community. Deposit Liabilities may only include deposits held by individuals in transaction accounts (*e.g.,* demand deposits, negotiable order of withdrawal accounts, automated transfer service accounts, and telephone or preauthorized transfer accounts) or non-transaction accounts (*e.g.,* money market deposit accounts, other savings deposits, and all time deposits), as defined by the Appropriate Federal Banking Agency;

Development Service Activities means activities that promote community development and are integral to the Applicant's provision of financial products and Financial Services. Such services shall prepare or assist current or potential borrowers or investees to utilize the financial products or Financial Services of the Applicant. Development Service Activities include financial or credit counseling to individuals for the purpose of facilitating home ownership, promoting self-employment, or enhancing consumer financial management skills; or technical assistance to borrowers or investees for the purpose of enhancing business planning, marketing, management, financial management skills, and other comparable services as may be specified by the CDFI Fund in the applicable NOFA.

Distressed Community means a geographically defined community that meets the minimum area eligibility requirements specified in § 1806.401 and such additional criteria as may be set forth in the applicable NOFA;

Distressed Community Financing Activities means:

(1) Consumer Loans; or

(2) Commercial Loans and Investments;

Education Loan means an advance of funds to a student who is an Eligible Resident who meets Low- and Moderate-Income requirements for the purpose of financing a college or vocational education;

Electronic Transfer Account (or *ETA*) means an account that meets the following requirements, and with respect to which the Applicant has satisfied the requirements:

(1) Be an individually owned account at a Federally insured financial institution;

(2) Be available to any individual who receives a Federal benefit, wage, salary, or retirement payment;

(3) Accept electronic Federal benefit, wage, salary, and retirement payments and such other deposits as a financial institution agrees to permit;

(4) Be subject to a maximum price of $3.00 per month;

(5) Have a minimum of four cash withdrawals and four balance inquiries per month, to be included in the monthly fee, through:

(i) The financial institution's proprietary (on-us) automated teller machines (ATMs);

(ii) Over-the-counter transactions at the main office or a branch of the financial institution; or

(iii) Any combination of on-us ATM access and over-the-counter access at the option of the financial institution;

(6) Provide the same consumer protections that are available to other account holders at the financial institution, including, for accounts that provide electronic access, Regulation E (12 CFR part 205) protections regarding disclosure, limitations on liability, procedures for reporting lost or stolen cards, and procedures for error resolution;

(7) For financial institutions that are members of an on-line point-of-sale (POS) network, allow on-line POS purchases, cash withdrawals, and cash back with purchases at no additional charge by the financial institution offering the ETA;

(8) Require no minimum balance, except as required by Federal or State law;

(9) At the option of the financial institution, be either an interest-bearing or a non-interest-bearing account; and

(10) Provide a monthly statement.

Eligible Activities means CDFI Related Activities, Distressed Community

Financing Activities, and Service Activities, and as further described in the applicable NOFA and the Award Agreement;

Eligible Resident means an individual who resides in a Distressed Community;

Equity Investment means financial assistance provided by an Applicant or its Subsidiary to a CDFI, which CDFI meets such criteria as set forth in the applicable NOFA, in the form of a grant, a stock purchase, a purchase of a partnership interest, a purchase of a limited liability company membership interest, or any other investment deemed to be an Equity Investment by the CDFI Fund;

Equity-Like Loan means a loan provided by an Applicant or its Subsidiary to a CDFI, and made on such terms that it has characteristics of an Equity Investment that meets such criteria as set forth in the applicable NOFA;

Financial Services means check-cashing, providing money orders and certified checks, automated teller machines, safe deposit boxes, new branches, and other comparable services as may be specified by the CDFI Fund in the applicable NOFA, that are provided by the Applicant to Eligible Residents or enterprises that are Integrally Involved in the Distressed Community;

Geographic Units means counties (or equivalent areas), incorporated places, minor civil divisions that are units of local government, census tracts, block numbering areas, block groups, and Indian Areas or Native American Areas (as each is defined by the U.S. Bureau of the Census), or other areas deemed appropriate by the CDFI Fund;

Home Improvement Loan means an advance of funds, either unsecured or secured by a one-to-four family residential property, the proceeds of which are used to improve the borrower's primary residence, where such borrower is an Eligible Resident who meets Low- and Moderate-Income requirements;

Indian Reservation means a geographic area that meets the requirements of section 4(10) of the Indian Child Welfare Act of 1978 (25 U.S.C. 1903(10)), and shall include land held by incorporated Native groups, regional corporations, and village corporations, as defined in and pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 *et seq.*), public domain Indian allotments, and former Indian Reservations in the State of Oklahoma;

Individual Development Account (or *IDA*) means a special savings account that matches the deposits of Eligible Residents who meet Low- and Moderate-Income requirements individuals and that enables such individuals to save money for a particular financial goal including, but not limited to, and as determined by the CDFI Fund: buying a home, paying for post-secondary education, or starting or expanding a small business;

Insured Depository Institution means any bank or thrift, the deposits of which are insured by the Federal Deposit Insurance Corporation;

Integrally Involved means, for a CDFI Partner, having provided or transacted the percentage of financial transactions or dollars (*i.e.,* loans or Equity Investments), or Development Service Activities, in the Distressed Community identified by the Applicant or the CDFI Partner, as applicable, or having attained the percentage of market share for a particular product in a Distressed Community, set forth in the applicable NOFA;

Low- and Moderate-Income or Low- and Moderate-Income requirements means borrower income that does not exceed 80 percent of the median income of the area involved, according to the U.S. Census Bureau data, set forth in the Applicable NOFA;

Metropolitan Area means an area designated as such (as of the date of the BEA Program application) by the Office of Management and Budget pursuant to 44 U.S.C. 3504(e)(3), 31 U.S.C. 1104(d), and Executive Order 10253 (3 CFR, 1949–1953 Comp., p. 758), as amended;

Notice of Funding Availability (or *NOFA*) means the public notice of funding opportunity that announces the availability of BEA Program Award funds for a particular funding round and that advises prospective Applicants with respect to obtaining application materials, establishes application submission deadlines, and establishes other requirements or restrictions applicable for the particular funding round;

Priority Factor means a numeric value assigned to the following, as established by the CDFI Fund in the applicable NOFA:

(1) Each subcategory within the Distressed Community Financing Activities category of Qualified Activities; or

(2) Each activity-type within the Service Activities and CDFI Related Activities categories of Qualified Activities.

(3) A priority factor represents the CDFI Fund's assessment of the degree of difficulty, the extent of innovation, and the extent of benefits accruing to the Distressed Community for each type of activity;

Project Investment means providing financial assistance in the form of a purchase of stock, limited partnership interest, other ownership instrument, or a grant to an entity that is Integrally Involved in a Distressed Community and formed for the sole purpose of engaging in a project or activity (approved by the CDFI Fund), including Affordable Housing Development Loans, Affordable Housing Loans, Commercial Real Estate Loans, and Small Business Loans;

Qualified Activities means CDFI Related Activities, Distressed Community Financing Activities, and Service Activities;

Recipient means an Applicant that receives a BEA Program Award pursuant to this part and the applicable NOFA;

Service Activities means the following activities: Deposit Liabilities; Financial Services; Community Services; Targeted Financial Services; and Targeted Retail Savings/Investment Products;

Small Business Loan means an origination of a loan used for commercial or industrial activities (other than an Affordable Housing Loan, Affordable Housing Development Loan, Commercial Real Estate Loan, Home Improvement Loan) to a business or farm that meets the size eligibility standards of the Small Business Administration's Development Company or Small Business Investment Company programs (13 CFR 121.301) and is located in a Distressed Community;

Small Dollar Consumer Loan means affordable consumer lending products that serve as available alternatives in the marketplace for individuals who are Eligible Residents who meet Low- and Moderate-Income requirements and meet criteria further specified in the applicable NOFA;

State means any State of the United States, the District of Columbia or any territory of the United States, Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Northern Mariana Islands;

Subsidiary has the same meaning as in section 3 of the Federal Deposit Insurance Act, except that a CDFI shall not be considered a Subsidiary of any Insured Depository Institution or any depository institution holding company that controls less than 25 percent of any class of the voting shares of such corporation and does not otherwise control, in any manner, the election of a majority of directors of the corporation;

Targeted Financial Services means ETAs, IDAs, and such other banking products targeted to Eligible Residents, as may be specified by the CDFI Fund in the applicable NOFA;

Targeted Retail Savings/Investment Products means certificates of deposit, mutual funds, life insurance, and other similar savings or investment vehicles targeted to Eligible Residents, as may be specified by the CDFI Fund in the applicable NOFA;

Technical Assistance means the provision of consulting services, resources, training, and other nonmonetary support relating to an organization, individual, or operation of a trade or business, as may be specified by the CDFI Fund in the applicable NOFA; and

Unit of General Local Government means any city, county town, township, parish, village, or other general-purpose political subdivision of a State or Commonwealth of the United States, or general-purpose subdivision thereof, and the District of Columbia.

§ 1806.104 Uniform Administrative Requirements; waiver authority.

(a) *Uniform Administrative Requirements.* The Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (Uniform Administrative Requirements), codified by the Department of the Treasury at 2 CFR part 1000, apply to awards, regardless of type of award Recipient, made pursuant to this part.

(b) *Waiver authority.* The CDFI Fund may waive any requirement of this part that is not required by law, upon a determination of good cause. Each such waiver will be in writing and supported by a statement of the facts and grounds forming the basis of the waiver. For a waiver in any individual case, the CDFI Fund must determine that application of the requirement to be waived would adversely affect the achievement of the purposes of the Act. For waivers of general applicability, the CDFI Fund will publish notification of granted waivers in the **Federal Register**.

§ 1806.105 OMB control number.

The collections of information contained in this part have been reviewed and approved by the Office of Management and Budget (OMB) in accordance with the Paperwork Reduction Act of 1995 and assigned the applicable, approved OMB Control Numbers associated with the CDFI Fund under 1559.

Subpart B—Eligibility

§ 1806.200 Applicant eligibility.

An entity that is an Insured Depository Institution is eligible to apply for a BEA Program Award if the CDFI Fund receives a complete BEA Program Award application by the deadline set forth in the applicable Notice of Funding Availability (NOFA). Additional eligibility requirements are set forth in the applicable NOFA.

Subpart C—Use of Funds/Eligible Activities

§ 1806.300 Eligible Activities.

Recipients of BEA Program Awards must use their payments for the following Eligible Activities:

(a) CDFI Related Activities;

(b) Distressed Community Financing Activities; and

(c) Service Activities, and to comply with the Uniform Administrative Requirements as further described in the applicable NOFA and the Award Agreement.

§ 1806.301 Restrictions of use of award.

A Recipient may not distribute BEA Program Award funds to an Affiliate without the CDFI Fund's prior written consent.

Subpart D—Award Determinations

§ 1806.400 General.

The amount of a BEA Program Award shall be based on the Applicant's increases in Qualified Activities from the Baseline Period to the Assessment Period, as set forth in the applicable NOFA. When determining this increase, Applicants must consider all BEA Qualified Activities and all BEA qualified census tracts, as it relates to a given subcategory or activity type, as applicable.

§ 1806.401 Community eligibility and designation.

(a) *General.* If an Applicant reports that it has provided or engaged in Service Activities or Distressed Community Financing Activities, the Applicant shall identify one or more Distressed Communities in which it has provided or engaged in such activities. The Applicant may identify different Distressed Communities for each category or subcategory of activity. If an Applicant reports that it has provided or engaged in CDFI Support Activities, the Applicant shall provide evidence that the CDFI that the Applicant supported is Integrally Involved in a Distressed Community, as specified in the applicable NOFA.

(b) *Minimum area and eligibility requirements.* A Distressed Community must meet the following minimum area and eligibility requirements:

(1) *Minimum area requirements.* A Distressed Community:

(i) Must be an area that is located within the jurisdiction of one (1) Unit of General Local Government;

(ii) The boundaries of the area must be contiguous; and

(iii) The area must:

(A) Have a population, as determined by the most recent U.S. Bureau of the Census data available, of not less than 4,000 if any portion of the area is located within a Metropolitan Area with a population of 50,000 or greater; or

(B) Have a population, as determined by the most recent U.S. Bureau of the Census data available, of not less than 1,000 in any other case; or

(C) Be located entirely within an Indian Reservation.

(2) *Eligibility requirements.* A Distressed Community must be a geographic area where:

(i) At least 30 percent of the Eligible Residents have incomes that are less than the national poverty level, as published by the U.S. Bureau of the Census or in other sources as set forth in guidance issued by the CDFI Fund;

(ii) The unemployment rate is at least 1.5 times greater than the national average, as determined by the U.S. Bureau of Labor Statistics' most recently published data, including estimates of unemployment developed using the U.S. Bureau of Labor Statistics' Census-Share calculation method, or in other sources as set forth in guidance issued by the CDFI Fund; and

(iii) Such additional requirements as may be specified by the CDFI Fund in the applicable NOFA.

(c) *Area designation.* An Applicant shall designate an area as a Distressed Community by:

(1) Selecting Geographic Units which individually meet the minimum area and eligibility requirements set forth in paragraph (b) of this section; or

(2) Selecting two or more Geographic Units which, in the aggregate, meet the minimum area and eligibility requirements set forth in paragraph (b) of this section, provided that no Geographic Unit selected by the Applicant within the area has a poverty rate of less than 20 percent.

(d) *Designation.* The CDFI Fund will provide a prospective Applicant with data and other information to help it identify areas eligible to be designated as a Distressed Community. If requested, applicants shall submit designation materials as instructed in the applicable NOFA.

§ 1806.402 Measuring and reporting Qualified Activities.

(a) *General.* An Applicant may receive a BEA Program Award for engaging in any of the following categories of

Qualified Activities during an Assessment Period: CDFI Related Activities, Distressed Community Financing Activities, or Service Activities. The CDFI Fund may further qualify such Qualified Activities in the applicable NOFA, including such additional geographic and transaction size limitations as the CDFI Fund deems appropriate.

(b) *Reporting Qualified Activities.* An Applicant should report only its Qualified Activities for the category or subcategory for which it is seeking a BEA Program Award.

(1) If an Applicant elects to apply for an award in the CDFI Related Activities category, it may elect to report on one or both types of activities within the CDFI Related Activities category.

(2) If an Applicant elects to apply for an award in the Distressed Community Financing Activities category, the Applicant must report on the following subcategories:

(i) Aggregate Consumer Loans; or

(ii) Aggregate Commercial Loans and Investments; or

(iii) Both paragraphs (b)(2)(i) and (ii) separately; unless the Applicant provides a reasonable explanation, acceptable to the CDFI Fund, in its sole discretion, as to why the Applicant cannot report on aggregated activities in such subcategories.

(3) If an Applicant elects to apply for an award in the Service Activities category, it may elect to report on one or more types of activities within the Service Activities category.

(c) *Area served.* CDFI Related Activities must be provided to a CDFI. CDFI Partners that are the recipients of CDFI Support Activities must demonstrate that they are Integrally Involved in a Distressed Community. Service Activities and Distressed Community Financing Activities must serve a Distressed Community. An activity is considered to serve a Distressed Community if it is:

(1) Undertaken in the Distressed Community; or

(2) Provided to Eligible Residents or enterprises that are Integrally Involved in the Distressed Community.

(d) *Certain limitations on Qualified Activities.* Activities funded with the proceeds of Federal funding or tax credit programs are ineligible for purposes of calculating or receiving a Bank Enterprise Award. Please see the applicable NOFA for each funding round's limitations on Qualified Activities. Qualified Activities shall not include loans to or investments in those business types set forth in the Uniform Administrative Requirements.

(e) *Measuring the value of Qualified Activities.* Subject to such additional or alternative valuations as the CDFI Fund may specify in the applicable NOFA, the CDFI Fund will assess the value of:

(1) Equity Investments, Equity-Like Loans, loans, grants and certificates of deposits, at the original amount of such Equity Investments, Equity-Like Loans, loans, grants or certificates of deposits. Where a certificate of deposit matures and is then rolled over during the Baseline Period or the Assessment Period, as applicable, the CDFI Fund will assess the value of the full amount of the rolled-over deposit. Where an existing loan is refinanced (meaning, a new loan is originated to pay off an existing loan, whether or not there is a change in the applicable loan terms), the CDFI Fund will only assess the value of any increase in the principal amount of the refinanced loan;

(2) Project Investments at the original amount of the purchase of stock, limited partnership interest, other ownership interest, or grant;

(3) Deposit Liabilities at the dollar amount deposited as measured by comparing the net change in the amount of applicable funds on deposit at the Applicant during the Baseline Period with the net change in the amount of applicable funds on deposit at the Applicant during the Assessment Period, as described in paragraphs (e)(3)(i) and (ii) of this section:

(i) The Applicant shall calculate the net change in deposits during the Baseline Period by comparing the amount of applicable funds on deposit at the close of business the day before the beginning of the Baseline Period and at the close of business on the last day of the Baseline Period; and

(ii) The Applicant shall calculate the net change in such deposits during the Assessment Period by comparing the amount of applicable funds on deposit at the close of business the day before the beginning of the Assessment Period and at the close of business on the last day of the Assessment Period;

(4) Financial Services and Targeted Financial Services based on the predetermined amounts as set forth by the CDFI Fund in the applicable NOFA; and

(5) Financial Services (other than those for which the CDFI Fund has established a predetermined value), Community Services, and CDFI Support Activities consisting of Technical Assistance based on the administrative costs of providing such services.

(f) *Closed transactions.* A transaction shall be considered to have been closed and carried out during the Baseline Period or the Assessment Period if the documentation evidencing the transaction:

(1) Is executed on a date within the applicable Baseline Period or Assessment Period, respectively; and

(2) Constitutes a legally binding agreement between the Applicant and a borrower or investee, which agreement specifies the final terms and conditions of the transaction, except that any contingencies included in the final agreement must be typical of such transaction and acceptable (both in the judgment of the CDFI Fund); and

(3) An initial cash disbursement of loan or investment proceeds has occurred in a manner that is consistent with customary business practices and is reasonable given the nature of the transaction (as determined by the CDFI Fund), unless it is normal business practice to make no initial disbursement at closing and the Applicant demonstrates that the borrower has access to the proceeds, subject to reasonable conditions as may be determined by the CDFI Fund.

(g) *Reporting period.* An Applicant must only measure the amount of a Qualified Activity that it reasonably expects to disburse to an investee, borrower, or other recipient within one year of the end of the applicable Assessment Period, or such other period as may be set forth by the CDFI Fund in the applicable NOFA.

§ 1806.403 Estimated award amounts.

(a) *General.* An Applicant must calculate and submit to the CDFI Fund an estimated award amount as part of its BEA Program Award application.

(b) *Award percentages.* The CDFI Fund will establish the award percentage for each category and subcategory of Qualified Activities in the applicable NOFA. Applicable award percentages for Qualified Activities undertaken by Applicants that are CDFIs will be equal to three times the award percentages for Qualified Activities undertaken by Applicants that are not CDFIs.

(c) *Calculating the estimated award amount for Qualified Activities.* (1) The estimated award amount for the CDFI Related Activities category will be equal to the applicable award percentage of the net increase in each activity-type (*i.e.,* Equity Investments/Equity Like-Loans; and CDFI Support Activities) under the CDFI Related Activities category between the Baseline Period and Assessment Period.

(2) The estimated award amount for the Distressed Community Financing Activities category will be equal to the applicable award percentage of the weighted value of each subcategory of

Distressed Community Financing Activities (*i.e.*, Consumer Loans; and Commercial Loans and Investments) between the Baseline Period and Assessment Period. The weighted value of the applicable subcategories shall be calculated by:

(i) Subtracting the Baseline Period value of such subcategory from the Assessment Period value of such subcategory to yield a difference; and

(ii) Multiplying the difference by the applicable Priority Factor (as set forth in the applicable NOFA).

(3) The estimated award amount for the Service Activities category will be equal to the applicable award percentage of the weighted value of each activity type between the Baseline Period and Assessment Period. The weighted value of the applicable activity type shall be calculated by:

(i) Subtracting the Baseline Period value of such Qualified Activity from the Assessment Period value of such Qualified Activity to yield a difference; and

(ii) Multiplying the difference by the applicable Priority Factor (as set forth in the applicable NOFA).

(d) *Estimated award eligibility review.* The CDFI Fund will determine the eligibility of each transaction for which an Applicant has applied for a BEA Program Award. Based upon this review, the CDFI Fund will calculate the actual award amount for which such Applicant is eligible.

§ 1806.404 Selection process; actual award amounts.

(a) *Sufficient funds available to cover estimated awards.* All BEA Program Awards are subject to the availability of funds. If the amount of appropriated funds available during a funding round is sufficient to cover all estimated award amounts for which Applicants are eligible, in the CDFI Fund's determination, and an Applicant meets all of the program requirements specified in this part, then such Applicant shall receive an actual award amount that is calculated by the CDFI Fund in the manner specified in § 1806.403.

(b) *Insufficient funds available to cover estimated awards.* If the amount of funds available during a funding round is insufficient to cover all estimated award amounts for which Applicants are eligible, in the CDFI Fund's determination, then the CDFI Fund will select Recipients and determine actual award amounts based on the process described in paragraph (c) of this section and any established maximum dollar amount of awards that may be awarded for the Distressed Community Financing Activities subcategories, as described in the applicable NOFA.

(c) *Priority of awards.* In circumstances where there are insufficient funds to cover estimated awards, the CDFI Fund will rank Applicants based on whether the Applicant is a CDFI or a non-CDFI, and in each category of Qualified Activity (*e.g.*, Service Activities) according to the priorities described in this paragraph (c). Selections within each priority category will be based on the Applicants' relative rankings within each category, and based on whether the Applicant is a CDFI or a non-CDFI, subject to the availability of funds.

(1) *First priority.* If the amount of funds available during a funding round is insufficient for all estimated award amounts, first priority will be given to CDFI Applicants that engaged in CDFI Related Activities, followed by non-CDFI Applicants that engaged in CDFI Related Activities ranked in the ratio as set forth in the applicable NOFA.

(2) *Second priority.* If the amount of funds available during a funding round is sufficient for all first priority Applicants but insufficient for all remaining estimated award amounts, second priority will be given to CDFI Applicants that engaged in Distressed Community Financing Activities, followed by non-CDFI Applicants that engaged in Distressed Community Financing Activities, ranked in the ratio as set forth in the applicable NOFA.

(3) *Third priority.* If the amount of funds available during a funding round is sufficient for all first and second priority Applicants, but insufficient for all remaining estimated award amounts, third priority will be given to CDFI Applicants that engaged in Service Activities, followed by non-CDFI Applicants that engaged in Service Activities, ranked in the ratio as set forth in the applicable NOFA.

(d) *Calculating actual award amounts.* The CDFI Fund will determine actual award amounts based upon the availability of funds, increases in Qualified Activities from the Baseline to the Assessment Period, and an Applicant's priority ranking. If an Applicant receives an award for more than one priority category described in this section, the CDFI Fund will combine the award amounts into a single BEA Program Award.

(e) *Unobligated or deobligated funds.* The CDFI Fund, in its sole discretion, may use any deobligated funds or funds not obligated during a funding round:

(1) To select Applicants not previously selected, using the calculation and selection process contained in this part;

(2) To make additional monies available for a subsequent funding round; or

(3) As otherwise authorized by the Act.

(f) *Limitation.* The CDFI Fund, in its sole discretion, may deny or limit the amount of a BEA Program Award for any reason.

§ 1806.405 Applications for BEA Program Awards.

(a) *Notice of funding availability; applications.* Applicants must submit applications for BEA Program Awards in accordance with this section and the applicable NOFA. An Applicant's application must demonstrate a realistic course of action to ensure that it will meet the requirements described in subpart D of this part within the period set forth in the applicable NOFA. Detailed application content requirements are found in the related application and applicable NOFA. The CDFI Fund will not disburse an award to an Applicant before it meets the eligibility requirements described in the applicable NOFA. The CDFI Fund shall require an Applicant to meet any additional eligibility requirements that the CDFI Fund deems appropriate. After receipt of an application, the CDFI Fund may request clarifying or technical information related to materials submitted as part of such application and/or to verify that Qualified Activities were carried out in the manner prescribed in this part. The CDFI Fund, in its sole discretion, shall determine whether an applicant fulfills the requirements set for forth in this part and the applicable NOFA.

(b) *Application contents.* An application for a BEA Program Award must contain:

(1) A completed electronic application module that reports the increases in Qualified Activities actually carried out during the Assessment Period as compared to those carried out during the Baseline Period. If an Applicant has merged with another institution during the Assessment Period, it must determine the Baseline Period amounts and Assessment Period amounts of the Qualified Activities of the merged institutions, and report the increase;

(2) An electronic application module which includes transactions to be considered for award calculation purposes. The transactions will include Qualified Activities that were closed during the Assessment Period. Applicants shall describe the original amount, census tract served (if

applicable), dates of execution, initial disbursement, and final disbursement of the instrument for each transaction;

(3) Documentation of Qualified Activities that meets the required thresholds and conditions described in § 1806.402(f) and the applicable NOFA;

(4) Information necessary for the CDFI Fund to complete its environmental review requirements pursuant to part 1815 of this chapter;

(5) Certifications, as described in the applicable NOFA and BEA Program Award application, that the information provided to the CDFI Fund is true and accurate and that the Applicant will comply with all relevant provisions of this chapter and all applicable Federal, State, and local laws, ordinances, regulations, policies, guidelines, and requirements;

(6) In the case of an Applicant that engaged in Service Activities, or Distressed Community Financing Activities, the Applicant must confirm, by submitting documentation as described in the applicable NOFA and BEA Program application, the Service Activities or Distressed Community Financing Activities were provided to:

(i) Eligible Residents; or

(ii) A business located in a Distressed Community.

(7) Information that indicates that each CDFI to which an Applicant has provided CDFI Support Activities is Integrally Involved in a Distressed Community, as described in the applicable NOFA and BEA Program application; and

(8) Any other information requested by the CDFI Fund, or specified by the CDFI Fund in the applicable NOFA or the BEA Program application, in order to document or otherwise assess the validity of information provided by the Applicant to the CDFI Fund.

Subpart E—Terms and Conditions of Assistance

§ 1806.500 Award Agreement; sanctions.

(a) *General.* After the CDFI Fund selects a Recipient, the CDFI Fund and the Recipient will enter into an Award Agreement. In addition to the requirements of the Uniform Administrative Requirements, the Award Agreement will require that the Recipient:

(1) Must carry out its Eligible Activities in accordance with applicable law, the approved BEA Program application, and all other applicable requirements;

(2) Must comply with such other terms and conditions that the CDFI Fund may establish;

(3) Will not receive any BEA Program Award payment until the CDFI Fund has determined that the Recipient has fulfilled all applicable requirements;

(4) Must comply with performance goals that have been established by the CDFI Fund. Such performance goals will include measures that require the Recipient to use its BEA Program Award funds for Eligible Activities; and

(5) Must comply with all data collection and reporting requirements. Each Recipient must submit to the CDFI Fund such information and documentation that will permit the CDFI Fund to review the Recipient's progress in satisfying the terms and conditions of its Award Agreement, including:

(i) *Annual report.* Each Recipient shall submit to the CDFI Fund at least annually and within 90 days after the end of each year of the Recipient's performance period, an annual report that will provide data that, among other things, demonstrates the Recipient's compliance with its performance goals (including a description of any noncompliance), its uses of the BEA Program Award funds, and the impact of the BEA Program and the CDFI industry. Recipients are responsible for the timely and complete submission of the annual report.

(ii) *Financial statement.* A Recipient is not required to submit its financial statement to the CDFI Fund. The CDFI Fund may obtain the necessary information from publicly available sources.

(b) *Sanctions.* In the event of any fraud, misrepresentation, or noncompliance with the terms of the Award Agreement by the Recipient, the CDFI Fund may terminate, reduce, or recapture the award, bar the Recipient and/or its Affiliates from applying for an award from the CDFI Fund for a period to be decided by the CDFI Fund in its sole discretion, and pursue any other available legal remedies.

(c) *Compliance with other CDFI Fund awards.* In the event that an Applicant, Recipient, or its Subsidiary or Affiliate is not in compliance, as determined by the CDFI Fund, with the terms and conditions of any CDFI Fund award, the CDFI Fund may, in its sole discretion, bar said Applicant or Recipient from applying for future BEA Program Awards or withhold payment (either initial or subsequent) of BEA Program Award funds.

(d) *Notice.* Prior to imposing any sanctions pursuant to this section or an Award Agreement, the CDFI Fund will provide the Recipient with written notice of the proposed sanction and an opportunity to respond. Nothing in this section, however, will provide a Recipient with the right to any formal or informal hearing or comparable proceeding not otherwise required by law.

§ 1806.501 Compliance with government requirements.

In carrying out its responsibilities pursuant to an Award Agreement, the Recipient must comply with all applicable Federal, State, and local laws, regulations (including but not limited to the Uniform Administrative Requirements, ordinances, and Executive Orders).

§ 1806.502 Fraud, waste, and abuse.

Any person who becomes aware of the existence or apparent existence of fraud, waste, or abuse of assistance provided under this part should report such incidences to the Office of Inspector General of the U.S. Department of the Treasury.

§ 1806.503 Books of account, records, and government access.

(a) A Recipient shall submit such financial and activity reports, records, statements, and documents at such times, in such forms, and accompanied by such supporting data, as required by the CDFI Fund and the U.S. Department of the Treasury to ensure compliance with the requirements of this part. The United States Government, including the U.S. Department of the Treasury, the Comptroller General, and its duly authorized representatives, shall have full and free access to the Recipient's offices and facilities, and all books, documents, records, and financial statements relevant to the award of the Federal funds and may copy such documents as they deem appropriate.

(b) The Award Agreement provides that the provisions of the Act, this part, and the Award Agreement are enforceable under 12 U.S.C. 1818 of the Federal Deposit Insurance Act by the Appropriate Federal Banking Agency, as applicable, and that any violation of such provisions shall be treated as a violation of the Federal Deposit Insurance Act. Nothing in this paragraph (b) precludes the CDFI Fund from directly enforcing the Award Agreement as provided for under the terms of the Act.

(c) The CDFI Fund will notify the Appropriate Federal Banking Agency before imposing any sanctions on a Recipient that is examined by or subject to the reporting requirements of that agency. The CDFI Fund will not impose a sanction described in § 1806.500(b) if the Appropriate Federal Banking Agency, in writing, not later than 30 calendar days after receiving notice from the CDFI Fund:

(1) Objects to the proposed sanction;

(2) Determines that the sanction would:

(i) Have a material adverse effect on the safety and soundness of the Recipient; or

(ii) Impede or interfere with an enforcement action against that Recipient by the Appropriate Federal Banking Agency;

(3) Proposes a comparable alternative action; and

(4) Specifically explains:

(i) The basis for the determination under paragraph (c)(2) of this section and, if appropriate, provides documentation to support the determination; and

(ii) How the alternative action suggested pursuant to paragraph (c)(3) of this section would be as effective as the sanction proposed by the CDFI Fund in securing compliance and deterring future noncompliance.

(d) Prior to imposing any sanctions pursuant to this section or an Award Agreement, the CDFI Fund shall, to the maximum extent practicable, provide the Recipient with written notice of the proposed sanction and an opportunity to comment. Nothing in this section, however, shall provide a Recipient to any formal or informal hearing or comparable proceeding not otherwise required by law.

§ 1806.504 Retention of records.

A Recipient must comply with all record retention requirements as set forth in the Uniform Administrative Requirements.

Dennis E. Nolan,

Deputy Director, Community Development Financial Institutions Fund.

[FR Doc. 2016–18694 Filed 8–9–16; 8:45 am]

BILLING CODE 4810–70–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2016–5462; Directorate Identifier 2015–NM–131–AD; Amendment 39–18606; AD 2016–16–08]

RIN 2120–AA64

Airworthiness Directives; Airbus Airplanes

AGENCY: Federal Aviation Administration (FAA), Department of Transportation (DOT).

ACTION: Final rule.

SUMMARY: We are adopting a new airworthiness directive (AD) for certain Airbus Model A330–200, –200 Freighter and –300 series airplanes; and Model A340–200 and –300 series airplanes. This AD was prompted by reports of spurious terrain awareness warning system (TAWS) alerts during approach and takeoff for airplanes fitted with the terrain and traffic collision avoidance system with transponder (T3CAS) when the T3CAS is constantly powered "ON" for more than 149 hours. This AD requires repetitive on-ground power cycle of the T3CAS. We are issuing this AD to prevent spurious TAWS alerts (collision prediction and alerting (CPA)), or missing legitimate CPA, which could increase flight crew workload during critical landing or takeoff phases, and could possibly result in reduced control of the airplane.

DATES: This AD is effective September 14, 2016.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of September 14, 2016.

ADDRESSES: For service information identified in this final rule, contact Airbus SAS, Airworthiness Office—EAL, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France; telephone +33 5 61 93 36 96; fax +33 5 61 93 45 80; email *airworthiness.A330–A340@airbus.com;* Internet *http://www.airbus.com.* You may view this referenced service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221. It is also available on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2016–5462.

Examining the AD Docket

You may examine the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2016–5462; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this AD, the regulatory evaluation, any comments received, and other information. The street address for the Docket Office (telephone 800–647–5527) is Docket Management Facility, U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: Vladimir Ulyanov, Aerospace Engineer, International Branch, ANM–116, Transport Airplane Directorate, FAA, 1601 Lind Avenue SW., Renton, WA 98057–3356; telephone 425–227–1138; fax 425–227–1149.

SUPPLEMENTARY INFORMATION:

Discussion

We issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to certain Airbus Model A330–200, –200 Freighter and –300 series airplanes; and Model A340–200 and –300 series airplanes. The NPRM published in the **Federal Register** on April 12, 2016 (81 FR 21484) ("the NPRM").

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Union, has issued EASA AD 2015–0125, dated July 1, 2015; corrected July 3, 2015 (referred to after this as the Mandatory Continuing Airworthiness Information, or "the MCAI"), to correct an unsafe condition for certain Airbus Model A330–200, –200 Freighter and –300 series airplanes; and Model A340–200 and –300 series airplanes. The MCAI states:

> Cases were reported of spurious Terrain Awareness Warning System (TAWS) alerts during approach and take off, with aeroplane fitted with the Terrain and Traffic Collision Avoidance System with Transponder (T3CAS). Investigations on the unit were launched with the manufacturer of the system (ACSS). The results of the laboratory investigation confirmed that an internal frozen Global Positioning System position anomaly occurs when the T3CAS is constantly powered 'ON' for more than 149 hours. The origin for this defect was identified as a counter limitation related to a T3CAS internal software misbehaviour, not self-detected.
>
> This condition, if not corrected, could lead to spurious TAWS alerts (Collision Prediction and Alerting (CPA), or missing legitimate CPA), which could increase flight crew workload during critical landing or take off phases, possibly resulting in reduced control of the aeroplane.
>
> Prompted by these reports, Airbus issued Alert Operators Transmission (AOT) A34L003–13 to provide instructions to accomplish an on ground repetitive power cycle of the T3CAS before exceeding 120 hours of continuous power, and EASA issued AD 2014–0242 to require repetitive on ground power cycles of the T3CAS unit.
>
> Since that [EASA] AD was issued, the AOT A34L003–13 revision 1 has been issued which extend[s] the applicability to A340 aeroplanes modified in-service in accordance with Airbus SB 34–4282 (T3CAS std 1.2 unit installation). It was also identified that [EASA] AD 2014–0242 does not refer to affected A330 in-service aeroplanes on which SB A330–34–3271 or SB A330–34–3286 or SB A330–34–3301 have been embodied.
>
> For the reason described above, this [EASA] AD retains the same required actions

as EASA AD 2014–0242, which is superseded, expands the Applicability of the [EASA] AD to include post SB A330–34–3271, post SB A330–34–3286 and post SB A330–34–3301 A330 aeroplanes, and post SB A340–34–4282 A340 aeroplanes.

* * * * *

You may examine the MCAI in the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2016–5462.

Comments

We gave the public the opportunity to participate in developing this AD. We considered the comments received. The commenters, Air Line Pilots Association International and Mr. Scott Corner, supported the NPRM.

Conclusion

We reviewed the relevant data, considered the comments received, and determined that air safety and the public interest require adopting this AD as proposed, except for minor editorial changes. We have determined that these minor changes:

- Are consistent with the intent that was proposed in the NPRM for correcting the unsafe condition; and
- Do not add any additional burden upon the public than was already proposed in the NPRM.

Related Service Information Under 1 CFR Part 51

Airbus has issued Alert Operators Transmission (AOT) A34L003–13, Revision 01, dated May 26, 2015. The service information describes procedures for an on-ground power cycle of the T3CAS. This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

Costs of Compliance

We estimate that this AD affects 3 airplanes of U.S. registry.

We also estimate that it will take about 1 work-hour per product to comply with the basic requirements of this AD. The average labor rate is $85 per work-hour. Required parts will cost about $0 per product. Based on these figures, we estimate the cost of this AD on U.S. operators to be $255, or $85 per product.

Authority for This Rulemaking

Title 49 of the United States Code specifies the FAA's authority to issue rules on aviation safety. Subtitle I, section 106, describes the authority of the FAA Administrator. "Subtitle VII: Aviation Programs," describes in more detail the scope of the Agency's authority.

We are issuing this rulemaking under the authority described in "Subtitle VII, Part A, Subpart III, Section 44701: General requirements." Under that section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce. This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on products identified in this rulemaking action.

Regulatory Findings

We determined that this AD will not have federalism implications under Executive Order 13132. This AD will not have a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.

For the reasons discussed above, I certify that this AD:

1. Is not a "significant regulatory action" under Executive Order 12866;
2. Is not a "significant rule" under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979);
3. Will not affect intrastate aviation in Alaska; and
4. Will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

Accordingly, under the authority delegated to me by the Administrator, the FAA amends 14 CFR part 39 as follows:

PART 39—AIRWORTHINESS DIRECTIVES

■ 1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by adding the following new airworthiness directive (AD):

2016–16–08 Airbus: Amendment 39–18606; Docket No. FAA–2016–5462; Directorate Identifier 2015–NM–131–AD.

(a) Effective Date

This AD is effective September 14, 2016.

(b) Affected ADs

None.

(c) Applicability

This AD applies to the following Airbus airplanes, certificated in any category.

(1) Airbus Model A330–201, –202, –203, –223, –243, –223F, –243F, –301, –302, –303, –321, –322, –323, –341, –342, and –343 airplanes, all manufacturer serial numbers on which Airbus Modification 202097 (T3CAS Standard 1.1) or Modification 202849 (T3CAS Standard 1.2) has been embodied in production; or Airbus Service Bulletin A330–34–3271; Airbus Service Bulletin A330–34–3286; or Airbus Service Bulletin A330–34–3301 have been embodied in-service.

(2) Airbus Model A340–211, –212, –213, –311, –312, and –313 airplanes, all manufacturer serial numbers on which Airbus Service Bulletin A340–34–4282 (T3CAS Standard 1.2) has been embodied in-service.

(d) Subject

Air Transport Association (ATA) of America Code 34, Navigation.

(e) Reason

This AD was prompted by reports of spurious terrain awareness warning system (TAWS) alerts during approach and takeoff for airplanes fitted with the terrain and traffic collision avoidance system with transponder (T3CAS) when the T3CAS is constantly powered "ON" for more than 149 hours. We are issuing this AD to prevent spurious TAWS alerts (collision prediction and alerting (CPA)), or missing legitimate CPA, which could increase flight crew workload during critical landing or takeoff phases, and could possibly result in reduced control of the airplane.

(f) Compliance

Comply with this AD within the compliance times specified, unless already done.

(g) On-Ground Power Cycle

For Model A330 and A340 airplanes equipped with a T3CAS unit having a part number specified in paragraph (g)(1) or (g)(2) of this AD: Within 30 days after the effective date of this AD, or within 120 hours of continuous power of the T3CAS after installation of the T3CAS, as specified in any applicable service information in paragraph (h) of this AD, whichever occurs later, do an on-ground power cycle of the T3CAS, in accordance with the instructions of Airbus Alert Operators Transmission (AOT) A34L003–13, Revision 01, dated May 26, 2015. Thereafter, repeat the on-ground power cycle of the T3CAS at intervals not to exceed 120 hours of continuous power of the T3CAS.

(1) Affected T3CAS Units are those having part number (P/N) 9005000–10101, Software Standard 1.1.

(2) Affected T3CAS Units are those having P/N 9005000–10202, Software Standard 1.2.

(h) Service Information Used To Install Part Affected

Paragraphs (h)(1) through (h)(4) of this AD identify the service information that was used to install the T3CAS, as specified in paragraph (g) of this AD.

(1) Airbus Service Bulletin A330–34–3271.
(2) Airbus Service Bulletin A330–34–3286.
(3) Airbus Service Bulletin A330–34–3301.
(4) Airbus Service Bulletin A340–34–4282.

(i) Parts Installation Limitations

As of the effective date of this AD, installation on an airplane of a T3CAS unit having a part number specified in paragraph (g) of this AD is acceptable, provided that, following installation, the T3CAS unit is power cycled on a recurrent basis, as required by paragraph (g) of this AD.

(j) Credit for Previous Actions

This paragraph provides credit for actions required by paragraph (g) of this AD, if those actions were performed before the effective date of this AD using Airbus AOT A34L003–13, dated November 25, 2013.

(k) Other FAA AD Provisions

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, International Branch, ANM–116, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the International Branch, send it to ATTN: Vladimir Ulyanov, Aerospace Engineer, International Branch, ANM–116, Transport Airplane Directorate, FAA, 1601 Lind Avenue SW., Renton, WA 98057–3356; telephone 425–227–1138; fax 425–227–1149. Information may be emailed to: *9-ANM-116-AMOC-REQUESTS@faa.gov.* Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the local flight standards district office/certificate holding district office.

(2) *Contacting the Manufacturer:* For any requirement in this AD to obtain corrective actions from a manufacturer, the action must be accomplished using a method approved by the Manager, International Branch, ANM–116, Transport Airplane Directorate, FAA; or the European Aviation Safety Agency (EASA); or Airbus's EASA Design Organization Approval (DOA). If approved by the DOA, the approval must include the DOA-authorized signature.

(l) Related Information

(1) Refer to Mandatory Continuing Airworthiness Information (MCAI)) EASA Airworthiness Directive 2015–0125, dated July 1, 2015; corrected July 3, 2015, for related information. This MCAI may be found in the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2016–5462.

(2) Service information identified in this AD that is not incorporated by reference is available at the addresses specified in paragraphs (m)(3) and (m)(4) of this AD.

(m) Material Incorporated by Reference

(1) The Director of the Federal Register approved the incorporation by reference (IBR) of the service information listed in this paragraph under 5 U.S.C. 552(a) and 1 CFR part 51.

(2) You must use this service information as applicable to do the actions required by this AD, unless this AD specifies otherwise.

(i) Airbus Alert Operators Transmission (AOT) A34L003–13, Revision 01, dated May 26, 2015.

(ii) Reserved.

(3) For service information identified in this AD, contact Airbus SAS, Airworthiness Office—EAL, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France; telephone +33 5 61 93 36 96; fax +33 5 61 93 45 80; email *airworthiness.A330-A340@airbus.com;* Internet *http://www.airbus.com.*

(4) You may view this service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221.

(5) You may view this service information that is incorporated by reference at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202–741–6030, or go to: *http://www.archives.gov/federal-register/cfr/ibr-locations.html.*

Issued in Renton, Washington, on July 25, 2016.

Victor Wicklund,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2016–18493 Filed 8–9–16; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2016–5464; Directorate Identifier 2015–NM–097–AD; Amendment 39–18607; AD 2016–16–09]

RIN 2120–AA64

Airworthiness Directives; Dassault Aviation Airplanes

AGENCY: Federal Aviation Administration (FAA), Department of Transportation (DOT).

ACTION: Final rule.

SUMMARY: We are superseding Airworthiness Directive (AD) 2011–10–01 for all Dassault Aviation Model FALCON 7X airplanes. AD 2011–10–01 required repetitive functional tests of the ram air turbine (RAT) heater, and repair if necessary. This new AD requires revision of the maintenance or inspection program to incorporate new maintenance requirements and airworthiness limitations. This AD was prompted by the need for new and more restrictive maintenance requirements and airworthiness limitations for airplane structures and systems. We are issuing this AD to prevent reduced structural integrity and reduced control of these airplanes due to the failure of system components.

DATES: This AD is effective September 14, 2016.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of September 14, 2016.

ADDRESSES: For service information identified in this final rule, contact Dassault Falcon Jet Corporation, Teterboro Airport, P.O. Box 2000, South Hackensack, NJ 07606; telephone: 201–440–6700; Internet: *http://www.dassaultfalcon.com.* You may view this service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221. It is also available on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2016–5464.

Examining the AD Docket

You may examine the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2016–5464; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this AD, the regulatory evaluation, any comments received, and other information. The address for the Docket Office (telephone 800–647–5527) is Docket Management Facility, U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: Tom Rodriguez, Aerospace Engineer, International Branch, ANM–116, Transport Airplane Directorate, FAA, 1601 Lind Avenue SW., Renton, WA 98057–3356; telephone 425–227–1137; fax 425–227–1149.

SUPPLEMENTARY INFORMATION:

Discussion

We issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 to supersede AD 2011–10–01, Amendment 39–16682 (76 FR 25535, May 5, 2011) ("AD 2011–10–01"). AD 2011–10–01 applied to all Dassault Aviation Model FALCON 7X airplanes. The NPRM published in the **Federal**

Register on April 20, 2016 (81 FR 23206) ("the NPRM"). The NPRM was prompted by the need for new and more restrictive maintenance requirements and airworthiness limitations for airplane structures and systems. The NPRM proposed to require revision of the maintenance or inspection program to incorporate new maintenance requirements and airworthiness limitations. We are issuing this AD to prevent reduced structural integrity and reduced control of these airplanes due to the failure of system components.

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Union, has issued EASA Airworthiness Directive AD 2015–0095, dated May 29, 2015 (referred to after this as the Mandatory Continuing Airworthiness Information, or "the MCAI"), to correct an unsafe condition for all Dassault Aviation FALCON 7X airplanes. The MCAI states:

> The airworthiness limitations and maintenance requirements for the FALCON 7X type design are included in Dassault Aviation FALCON 7X Aircraft Maintenance Manual (AMM) chapter 5–40 and are approved by EASA. To ensure accomplishment of the maintenance tasks, and implementation of the airworthiness limitations, as specified in Dassault Aviation FALCON 7X AMM chapter 5–40 original issue, including temporary revision (TR) TR–01, EASA issued AD 2008–0221.
>
> Since that [EASA] AD was issued, Dassault Aviation issued revision 4 of the FALCON 7X AMM chapter 5–40, which introduces new and more restrictive maintenance requirements and/or airworthiness limitations.
>
> Dassault Aviation AMM chapter 5–40 revision 4 contains, among others, the following changes:
>
> —Fatigue and Damage tolerance airworthiness limitations,
> —Miscellaneous Certification Maintenance Requirements and Airworthiness Limitation Items,
> —Periodic restoration of the DC generators (this action was required by EASA AD 2009–0254),
> —Functional test of the Ram Air Turbine heater (this action was required by EASA AD 2010–0033) [which corresponds to FAA AD 2011–10–01],
> —Special detailed fatigue inspection of fastener holes at front spar/wing lower panel connections at RIB 26,
> —Operational test of the IRS3 power supply weight-on- wheel logic,
> —Inspection of the interface between wheel keys and brake inboard rotor,
> —Operational test of the Horizontal Stabilizer Trim Actuator (HSTA) electrical motor reversion,
> —Operational test of the HSTA trim emergency command,
> —Detailed inspection of the brake heat sink.
>
> The maintenance tasks and airworthiness limitations, as specified in the FALCON 7X AMM chapter 5–40, have been identified as mandatory actions for continued airworthiness of the FALCON 7X type design. Failure to accomplish the actions specified in AMM chapter 5–40 at revision 4 may result in an unsafe condition.
>
> For the reasons described above, this [EASA] AD retains the requirements of EASA AD 2009–0254 and EASA AD 2010–0033, which are superseded, and requires accomplishment of the maintenance tasks and airworthiness limitations, as specified in Dassault Aviation FALCON 7X AMM chapter 5–40 at revision 4.

You may examine the MCAI in the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2016–5464.

This AD requires revisions to certain operator maintenance documents to include new actions (*e.g.*, inspections) and/or Critical Design Configuration Control Limitations (CDCCLs). Compliance with these actions and/or CDCCLs is required by 14 CFR 91.403(c). For airplanes that have been previously modified, altered, or repaired in the areas addressed by this AD, the operator may not be able to accomplish the actions described in the revisions. In this situation, to comply with 14 CFR 91.403(c), the operator must request approval for an alternative method of compliance according to paragraph (k)(1) of this AD. The request should include a description of changes to the required inspections that will ensure the continued operational safety of the airplane.

Notwithstanding any other maintenance or operational requirements, components that have been identified as airworthy or installed on the affected airplanes before accomplishing the revision of the airplane maintenance or inspection program specified in this AD, do not need to be reworked in accordance with the CDCCLs. However, once the airplane maintenance or inspection program or airworthiness limitations section (ALS) has been revised as required by this AD, future maintenance actions on these components must be done in accordance with the CDCCLs.

Comments

We gave the public the opportunity to participate in developing this AD. We received no comments on the NPRM or on the determination of the cost to the public.

Conclusion

We reviewed the relevant data and determined that air safety and the public interest require adopting this AD as proposed except for minor editorial changes. We have determined that these minor changes:

- Are consistent with the intent that was proposed in the NPRM for correcting the unsafe condition; and
- Do not add any additional burden upon the public than was already proposed in the NPRM.

Related Service Information Under 1 CFR Part 51

Dassault Aviation issued Chapter 5–40–00, Airworthiness Limitations, DGT 107838, Revision 4, dated February 2, 2015, of the Dassault Falcon 7X Maintenance Manual, which introduces new and more restrictive maintenance requirements and airworthiness limitations for airplane structures and systems. This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

Costs of Compliance

We estimate that this AD affects 45 airplanes of U.S. registry.

We estimate the following costs to comply with this AD:

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Functional test retained from AD 2011–10–01.	1 work-hour × $85 per hour = $85.	$0	$85 per inspection cycle	$3,825 per inspection cycle.
Revise maintenance or inspection program.	1 work-hour × $85 per hour = $85.	0	$85	$3,825.

Authority for This Rulemaking

Title 49 of the United States Code specifies the FAA's authority to issue rules on aviation safety. Subtitle I, section 106, describes the authority of the FAA Administrator. "Subtitle VII: Aviation Programs," describes in more detail the scope of the Agency's authority.

We are issuing this rulemaking under the authority described in "Subtitle VII, Part A, Subpart III, Section 44701: General requirements." Under that section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce. This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on products identified in this rulemaking action.

Regulatory Findings

We determined that this AD will not have federalism implications under Executive Order 13132. This AD will not have a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.

For the reasons discussed above, I certify that this AD:

1. Is not a "significant regulatory action" under Executive Order 12866;

2. Is not a "significant rule" under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979);

3. Will not affect intrastate aviation in Alaska; and

4. Will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

Accordingly, under the authority delegated to me by the Administrator, the FAA amends 14 CFR part 39 as follows:

PART 39—AIRWORTHINESS DIRECTIVES

■ 1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by removing Airworthiness Directive (AD) 2011–10–01, Amendment 39–16682 (76 FR 25535, May 5, 2011), and adding the following new AD:

2016–16–09 Dassault Aviation: Amendment 39–18607; Docket No. FAA–2016–5464; Directorate Identifier 2015–NM–097–AD.

(a) Effective Date

This AD is effective September 14, 2016.

(b) Affected ADs

This AD replaces AD 2011–10–01, Amendment 39–16682 (76 FR 25535, May 5, 2011) ("AD 2011–10–01"). This AD affects AD 2014–16–23, Amendment 39–17947 (79 FR 52545, September 4, 2014) ("AD 2014–16–23").

(c) Applicability

This AD applies to Dassault Aviation Model FALCON 7X airplanes, certificated in any category, all serial numbers.

(d) Subject

Air Transport Association (ATA) of America Code 05, Time Limits/Maintenance Checks.

(e) Reason

This AD was prompted by the need for new and more restrictive maintenance requirements and airworthiness limitations for airplane structures and systems. We are issuing this AD to prevent reduced structural integrity and reduced control of these airplanes due to the failure of system components.

(f) Compliance

Comply with this AD within the compliance times specified, unless already done.

(g) Retained Functional Test of the Ram Air Turbine (RAT) Heater, With New Terminating Action and Specific Delegation Approval Language

This paragraph restates the requirements of paragraph (g) of AD 2011–10–01, with new terminating action and specific delegation approval language. At the applicable times specified in paragraph (g)(1) or (g)(2) of this AD, do a functional test of the RAT heater using a method approved by either the Manager, International Branch, ANM–116, Transport Airplane Directorate, FAA; or the European Aviation Safety Agency (EASA); or Dassault Aviation's EASA Design Organization Approval (DOA). Repeat the functional test of the RAT heater thereafter at the applicable time specified in paragraph (g)(1) or (g)(2) of this AD until the revision required by paragraph (h) of this AD is done. If any functional test fails, before further flight, repair using a method approved by either the Manager, International Branch, ANM–116, Transport Airplane Directorate, FAA; or EASA; or Dassault Aviation's EASA DOA.

(1) For Model FALCON 7X airplanes on which modification M0305 has not been done and on which Dassault Service Bulletin 7X–018, dated March 6, 2009, has not been done: Within 650 flight hours after the effective date of this AD, do a functional test of the RAT heater and repeat the functional test of the RAT heater thereafter at intervals not to exceed 650 flight hours.

(2) For Model FALCON 7X airplanes on which modification M0305 has been done or on which Dassault Service Bulletin 7X–018, dated March 6, 2009, has been done: Within 1,900 flight hours after June 9, 2011 (the effective date of AD 2011–10–01), or after modification M0305 or Dassault Service Bulletin 7X–018, dated March 6, 2009, has been done, whichever occurs later, do a functional test of the RAT heater. Repeat the functional test of the RAT heater thereafter at intervals not to exceed 1,900 flight hours.

Note 1 to paragraph (g) of this AD: Additional guidance for doing the functional test of the RAT heater required by paragraph (g) of this AD can be found in Task 24–50–25–720–801, Functional Test of the RAT Heater, dated January 16, 2009, of the Dassault FALCON 7X Aircraft Maintenance Manual (AMM).

(h) New Requirement of This AD: Revise the Maintenance or Inspection Program

Within 30 days after the effective date of this AD, revise the maintenance or inspection program, as applicable, by incorporating the information specified in Chapter 5–40–00, Airworthiness Limitations, DGT 107838, Revision 4, dated February 2, 2015, of the Dassault Falcon 7X Maintenance Manual (MM). The initial compliance times for the tasks specified in Chapter 5–40–00, Airworthiness Limitations, DGT 107838, Revision 4, dated February 2, 2015, of the Dassault Falcon 7X MM are at the applicable compliance times specified in Chapter 5–40–00, Airworthiness Limitations, DGT 107838, Revision 4, dated February 2, 2015, of the Dassault Falcon 7X MM, or within 30 days after the effective date of this AD, whichever occurs later.

(i) Terminating Actions for Certain Requirements of This AD and AD 2014–16–23

(1) Accomplishment of the revision required by paragraph (h) of this AD terminates the requirements of paragraph (g) of this AD.

(2) Accomplishment of the revision required by paragraph (h) of this AD terminates the requirements of paragraph (q) of AD 2014–16–23.

(j) No Alternative Actions, Intervals, and/or Critical Design Configuration Control Limitations (CDCCLs)

After the maintenance or inspection program, as applicable, has been revised as required by paragraph (h) of this AD, no alternative actions (*e.g.*, inspections), intervals, and/or CDCCLs may be used unless the actions, intervals, and/or CDCCLs are approved as an alternative method of compliance (AMOC) in accordance with the procedures specified in paragraph (k)(1) of this AD.

(k) Other FAA AD Provisions

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, International Branch, ANM–116, Transport Airplane Directorate, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the International Branch, send it to ATTN: Tom Rodriguez, Aerospace Engineer, International Branch, ANM–116, Transport Airplane Directorate, FAA, 1601 Lind Avenue SW., Renton, WA 98057–3356; telephone 425–227–1137; fax 425–227–1149. Information may be emailed to: *9-ANM-116-AMOC-REQUESTS@faa.gov.*

(2) *Contacting the Manufacturer:* For any requirement in this AD to obtain corrective actions from a manufacturer, the action must be accomplished using a method approved by the Manager, International Branch, ANM–116, Transport Airplane Directorate, FAA; or EASA; or Dassault Aviation's EASA DOA. If approved by the DOA, the approval must include the DOA-authorized signature.

(l) Related Information

(1) Refer to Mandatory Continuing Airworthiness Information (MCAI) EASA AD 2015–0095, dated May 29, 2015, for related information. This MCAI may be found in the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2016–5464.

(2) Service information identified in this AD that is not incorporated by reference is available at the addresses specified in paragraphs (m)(3) and (m)(4) of this AD.

(m) Material Incorporated by Reference

(1) The Director of the Federal Register approved the incorporation by reference (IBR) of the service information listed in this paragraph under 5 U.S.C. 552(a) and 1 CFR part 51.

(2) You must use this service information as applicable to do the actions required by this AD, unless this AD specifies otherwise.

(i) Chapter 5–40–00, Airworthiness Limitations, DGT 107838, Revision 4, dated February 2, 2015, of the Dassault Aviation Falcon 7X Maintenance Manual.

(ii) Reserved.

(3) For service information identified in this AD, contact Dassault Falcon Jet Corporation, Teterboro Airport, P.O. Box 2000, South Hackensack, NJ 07606; telephone: 201–440–6700; Internet: *http://www.dassaultfalcon.com.*

(4) You may view this service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221.

(5) You may view this service information that is incorporated by reference at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202–741–6030, or go to: *http://www.archives.gov/federal-register/cfr/ibr-locations.html.*

Issued in Renton, Washington, on July 27, 2016.

Victor Wicklund,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2016–18488 Filed 8–9–16; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2015–8429; Directorate Identifier 2015–NM–122–AD; Amendment 39–18608; AD 2016–16–10]

RIN 2120–AA64

Airworthiness Directives; The Boeing Company Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: We are adopting a new airworthiness directive (AD) for certain The Boeing Company Model 747–100, 747–100B, 747–100B SUD, 747–200B, 747–200C, 747–200F, 747–300, 747–400, 747–400D, 747–400F, 747SR, and 747SP series airplanes. This AD was prompted by reports of fatigue cracks in the station 320 crown frame and in window post number 3. This AD requires repetitive inspections for cracks and missing fasteners of the station 320 crown frame, cracks in the web and flange surfaces of the forward segment of window post number 3, and missing fasteners and cracks of the window upper sill; post-modification inspections for cracks of the window upper sill; a one-time fastener rework; and related investigative and corrective actions if necessary. We are issuing this AD to detect and correct fatigue cracking and missing fasteners of the station 320 crown frame, cracking of the window post number 3, and cracking of the window upper sill, which could result in an in-flight decompression and a loss of structural integrity of the fuselage.

DATES: This AD is effective September 14, 2016.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of September 14, 2016.

ADDRESSES: For service information identified in this final rule, contact Boeing Commercial Airplanes, Attention: Data & Services Management, P.O. Box 3707, MC 2H–65, Seattle, WA 98124–2207; telephone 206–544–5000, extension 1; fax 206–766–5680; Internet *https://www.myboeingfleet.com.* You may view this referenced service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221. It is also available on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2015–8429.

Examining the AD Docket

You may examine the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2015–8429; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this AD, the regulatory evaluation, any comments received, and other information. The address for the Docket Office (phone: 800–647–5527) is Docket Management Facility, U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: Bill Ashforth, Aerospace Engineer, Airframe Branch, ANM–120S, FAA, Seattle Aircraft Certification Office (ACO), 1601 Lind Avenue SW., Renton, WA 98057–3356; phone: 425–917–6432; fax: 425–917–6590; email: *Bill.Ashforth@faa.gov.*

SUPPLEMENTARY INFORMATION:

Discussion

We issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to certain The Boeing Company Model 747–100, 747–100B, 747–100B SUD, 747–200B, 747–200C, 747–200F, 747–300, 747–400, 747–400D, 747–400F, 747SR, and 747SP series airplanes. The NPRM published in the **Federal Register** on January 13, 2016 (81 FR 1577) ("the NPRM"). The NPRM was prompted by reports of fatigue cracks in the station 320 crown frame and in window post number 3. The NPRM proposed to require repetitive inspections for cracks and missing fasteners of the station 320 crown frame, cracks in the web and flange surfaces of the forward segment of window post number 3, and missing fasteners and cracks of the window upper sill; post-modification inspections for cracks of the window upper sill; a one-time fastener rework; and related investigative and corrective actions if necessary. We are issuing this AD to detect and correct fatigue cracking and missing fasteners of the station 320 crown frame, cracking of the window post number 3, and cracking of the window upper sill, which could result in an in-flight decompression and a loss of structural integrity of the fuselage.

Comments

We gave the public the opportunity to participate in developing this AD. The following presents the comments received on the NPRM and the FAA's response to each comment.

Request for Restoration Procedures

United Airlines (UAL) requested that figure 21 in Boeing Alert Service Bulletin 747–53A2862, Revision 1, dated July 24, 2015, be revised to provide airplane maintenance manual references on reinstallation of the panels and all disturbed air conditioning systems, and to include operational check procedures of all the disturbed systems.

We partially agree with UAL's comment. We agree that figure 21 in Boeing Alert Service Bulletin 747–53A2862, Revision 1, dated July 24, 2015, should provide robust access/restoration procedures. We disagree with delaying this AD until any needed changes to figure 21 have been incorporated. Figure 21 is not a "Required for Compliance" (RC) section of the service information and is not mandated by this AD. Therefore, operators can deviate from these instructions, as specified in paragraph (k)(4)(ii) of this AD. We have not changed this AD in this regard.

Request To Revise Discussion Section of the NPRM

Boeing requested that we revise the second sentence in the Discussion section of the NPRM, which states: "Other Model 747 airplanes, except Model 747–8F and 747–8 airplanes, are of a similar station 320 crown frame configuration." Boeing asked that the reference to Model 747–8F and Model 747–8 airplanes be removed. Boeing stated that although having a different design, Model 747–8F and Model 747–8 airplanes have a similar station 320 crown frame configuration as the other Model 747 airplanes. Boeing explained that, for Model 747–8F and Model 747–8 airplanes, it has issued service information that specifies repetitive inspections for cracking of the station 320 crown frame and is mandated by certain airworthiness limitations (AWLs).

We agree to clarify the Discussion section of the NPRM. We agree that Boeing Model 747–100, –200, –300, and –400 airplanes, and Model 747–8F and Model 747–8 airplanes, have similar station 320 crown frame configurations. However, we cannot revise the second sentence in the Discussion section of the NPRM because that particular sentence is not restated in the Discussion section of this AD. Also, as Boeing stated, the identified condition on Model 747–8F and Model 747–8 airplanes is addressed with AWLs. This AD addresses the identified unsafe condition on Model 747–100, 747–100B, 747–100B SUD, 747–200B, 747–200C, 747–200F, 747–300, 747–400, 747–400D, 747–400F, 747SR, and 747SP series airplanes. We have not changed this AD in this regard.

Clarification of Repetitive Inspections Required by Paragraph (h) of This AD

We revised paragraph (h) of this AD, which refers to inspections specified in paragraphs (g)(1) through (g)(5) of this AD, by removing the text "for cracking in the window upper sill." That text only applies to the inspection specified in paragraph (g)(5) of this AD and not to the inspections specified in paragraphs (g)(1) through (g)(4) of this AD.

Conclusion

We reviewed the relevant data, considered the comments received, and determined that air safety and the public interest require adopting this AD as proposed, except for minor editorial changes. We have determined that these minor changes:

- Are consistent with the intent that was proposed in the NPRM for correcting the unsafe condition; and
- Do not add any additional burden upon the public than was already proposed in the NPRM.

Related Service Information Under 1 CFR Part 51

We reviewed Boeing Alert Service Bulletin 747–53A2862, Revision 1, dated July 24, 2015. The service information describes procedures for inspections and corrective actions for cracks and missing fasteners in the inner chord and outboard webs of the station 320 crown frame, in the left and right side window post number 3, and in the window upper sill structure. This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

Costs of Compliance

We estimate that this AD affects 165 airplanes of U.S. registry.

We estimate the following costs to comply with this AD:

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Inspections	Up to 193 work-hours × $85 per hour = $16,405 per inspection cycle.	$0	Up to $16,405 per inspection cycle.	Up to $2,706,825 per inspection cycle.

We have received no definitive data that would enable us to provide cost estimates for the on-condition actions specified in this AD.

Authority for This Rulemaking

Title 49 of the United States Code specifies the FAA's authority to issue rules on aviation safety. Subtitle I, section 106, describes the authority of the FAA Administrator. Subtitle VII: Aviation Programs, describes in more detail the scope of the Agency's authority.

We are issuing this rulemaking under the authority described in Subtitle VII, Part A, Subpart III, Section 44701: "General requirements." Under that section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce. This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on products identified in this rulemaking action.

Regulatory Findings

This AD will not have federalism implications under Executive Order 13132. This AD will not have a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.

For the reasons discussed above, I certify that this AD:

(1) Is not a "significant regulatory action" under Executive Order 12866,

(2) Is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979),

(3) Will not affect intrastate aviation in Alaska, and

(4) Will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

Accordingly, under the authority delegated to me by the Administrator, the FAA amends 14 CFR part 39 as follows:

PART 39—AIRWORTHINESS DIRECTIVES

■ 1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by adding the following new airworthiness directive (AD):

2016–16–10 The Boeing Company: Amendment 39–18608; Docket No. FAA–2015–8429; Directorate Identifier 2015–NM–122–AD.

(a) Effective Date

This AD is effective September 14, 2016.

(b) Affected ADs

None.

(c) Applicability

This AD applies to The Boeing Company Model 747–100, 747–100B, 747–100B SUD, 747–200B, 747–200C, 747–200F, 747–300, 747–400, 747–400D, 747–400F, 747SR, and 747SP series airplanes, certificated in any category, as identified in Boeing Alert Service Bulletin 747–53A2862, Revision 1, dated July 24, 2015.

(d) Subject

Air Transport Association (ATA) of America Code 53, Fuselage.

(e) Unsafe Condition

This AD was prompted by reports of fatigue cracks in the station 320 crown frame in window post number 3. We are issuing this AD to detect and correct fatigue cracking and missing fasteners of the station 320 crown frame, cracking of the window post number 3, and cracking of the window upper sill, which could result in an in-flight decompression and a loss of structural integrity of the fuselage.

(f) Compliance

Comply with this AD within the compliance times specified, unless already done.

(g) Initial Inspections, Related Investigative Actions, and Corrective Actions

At the applicable time specified in paragraph 1.E., "Compliance," of Boeing Alert Service Bulletin 747–53A2862, Revision 1, dated July 24, 2015, except as provided by paragraphs (j)(1) and (j)(2) of this AD: Do the actions specified in paragraphs (g)(1) through (g)(5) of this AD; and do all applicable related investigative and corrective actions; in accordance with the Accomplishment Instructions of Boeing Alert Service Bulletin 747–53A2862, Revision 1, dated July 24, 2015, except as required by paragraph (j)(3) of this AD. Do all applicable related investigative and corrective actions before further flight.

(1) Do a detailed inspection for cracks and missing fasteners of the station 320 crown frame.

(2) Do a surface high frequency eddy current (HFEC) inspection for cracks of the station 320 crown frame.

(3) Do a surface HFEC inspection for cracks in the web and flange surfaces of the forward segment of window post number 3.

(4) Do a detailed inspection for missing fasteners of the window upper sill.

(5) Do a surface HFEC inspection for cracks of the window upper sill.

(h) Repetitive Inspections and Post-Repair Inspections, Related Investigative Actions, and Corrective Actions

Do applicable repetitive post-repair inspections and repeat the inspections specified in paragraphs (g)(1) through (g)(5) of this AD thereafter at the applicable compliance time and intervals specified in paragraph 1.E., "Compliance," of Boeing Alert Service Bulletin 747–53A2862, Revision 1, dated July 24, 2015; and do all applicable related investigative and corrective actions; in accordance with the Accomplishment Instructions of Boeing Alert Service Bulletin 747–53A2862, Revision 1, dated July 24, 2015, except as required by paragraph (j)(3) of this AD. Do all applicable related investigative and corrective actions before further flight.

(i) Fastener Rework, Related Investigative Actions, and Corrective Actions

At the applicable time specified in paragraph 1.E., "Compliance," of Boeing Alert Service Bulletin 747–53A2862, Revision 1, dated July 24, 2015: Do the applicable actions (including fastener rework and a detailed inspection of the condition of the fastener hole) specified in Part 11 of the Accomplishment Instructions of Boeing Alert Service Bulletin 747–53A2862, Revision 1, dated July 24, 2015; and do all applicable related investigative and corrective actions; in accordance with the Accomplishment Instructions of Boeing Alert Service Bulletin 747–53A2862, Revision 1, dated July 24, 2015, except as specified in paragraph (j)(3) of this AD. Do all applicable related investigative and corrective actions before further flight.

(j) Exceptions to Service Information Specifications

(1) Where Boeing Alert Service Bulletin 747–53A2862, Revision 1, dated July 24, 2015, specifies a compliance time "after the original date of this service bulletin," this AD requires compliance within the specified compliance time after the effective date of this AD.

(2) Where Boeing Alert Service Bulletin 747–53A2862, Revision 1, dated July 24, 2015, specifies a compliance time "after the Revision 1 date of this service bulletin," this AD requires compliance within the specified compliance time after the effective date of this AD.

(3) Where Boeing Alert Service Bulletin 747–53A2862, Revision 1, dated July 24, 2015, specifies to contact Boeing for repairs: Before further flight, repair, using a method approved in accordance with the procedures specified in paragraph (k)(1) of this AD.

(k) Alternative Methods of Compliance (AMOCs)

(1) The Manager, Seattle Aircraft Certification Office (ACO), FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the manager of the ACO, send it to the attention of the person identified in paragraph (l)(1) of this AD. Information may be emailed to: *9-ANM-Seattle-ACO-AMOC-Requests@faa.gov*.

(2) Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the local flight standards district office/certificate holding district office.

(3) An AMOC that provides an acceptable level of safety may be used for any repair, modification, or alteration required by this AD if it is approved the Boeing Commercial Airplanes Organization Designation Authorization (ODA) that has been authorized by the Manager, Seattle ACO, to make those findings. To be approved, the repair method, modification deviation, or alteration deviation must meet the certification basis of the airplane, and the approval must specifically refer to this AD.

(4) Except as required by paragraphs (g), (h), and (j)(3) of this AD: For service information that contains steps that are labeled as Required for Compliance (RC), the provisions of paragraphs (k)(4)(i) and (k)(4)(ii) apply.

(i) The steps labeled as RC, including substeps under an RC step and any figures identified in an RC step, must be done to comply with the AD. An AMOC is required for any deviations to RC steps, including substeps and identified figures.

(ii) Steps not labeled as RC may be deviated from using accepted methods in accordance with the operator's maintenance or inspection program without obtaining approval of an AMOC, provided the RC steps, including substeps and identified figures, can still be done as specified, and the airplane can be put back in an airworthy condition.

(l) Related Information

For more information about this AD, contact Bill Ashforth, Aerospace Engineer, Airframe Branch, ANM–120S, FAA, Seattle ACO, 1601 Lind Avenue SW., Renton, WA 98057–3356; phone: 425–917–6432; fax: 425–917–6590; email: *Bill.Ashforth@faa.gov.*

(m) Material Incorporated by Reference

(1) The Director of the Federal Register approved the incorporation by reference (IBR) of the service information listed in this paragraph under 5 U.S.C. 552(a) and 1 CFR part 51.

(2) You must use this service information as applicable to do the actions required by this AD, unless the AD specifies otherwise.

(i) Boeing Alert Service Bulletin 747–53A2862, Revision 1, dated July 24, 2015.

(ii) Reserved.

(3) For Boeing service information identified in this AD, contact Boeing Commercial Airplanes, Attention: Data & Services Management, P.O. Box 3707, MC 2H–65, Seattle, WA 98124–2207; telephone 206–544–5000, extension 1; fax 206–766–5680; Internet *https://www.myboeingfleet.com.*

(4) You may view this service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221.

(5) You may view this service information that is incorporated by reference at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202–741–6030, or go to: *http://www.archives.gov/federal-register/cfr/ibr-locations.html.*

Issued in Renton, Washington, on July 27, 2016.

Victor Wicklund,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2016–18487 Filed 8–9–16; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2015–8468; Directorate Identifier 2014–NM–208–AD; Amendment 39–18605; AD 2016–16–07]

RIN 2120–AA64

Airworthiness Directives; Airbus Airplanes

AGENCY: Federal Aviation Administration (FAA), Department of Transportation (DOT).

ACTION: Final rule.

SUMMARY: We are superseding Airworthiness Directive (AD) 2007–21–14 R1 for all Airbus Model A310 series airplanes. AD 2007–21–14 R1 required revising the Airworthiness Limitations Section of the Instructions for Continued Airworthiness to incorporate new limitations for fuel tank systems. This new AD requires revising the maintenance program or inspection program to incorporate revised fuel maintenance and inspection tasks. This AD was prompted by the issuance of more restrictive maintenance requirements and/or airworthiness limitations by the manufacturer. We are issuing this AD to prevent the potential of ignition sources inside fuel tanks, which, in combination with flammable fuel vapors caused by latent failures, alterations, repairs, or maintenance actions, could result in fuel tank explosions and consequent loss of the airplane.

DATES: This AD becomes effective September 14, 2016.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of September 14, 2016.

The Director of the Federal Register approved the incorporation by reference of a certain other publication listed in this AD as of November 20, 2007 (72 FR 58499, October 16, 2007).

ADDRESSES: For service information identified in this final rule, contact Airbus SAS, Airworthiness Office—EAW, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France; telephone +33 5 61 93 36 96; fax +33 5 61 93 44 51; email *account.airworth-eas@airbus.com;* Internet *http://www.airbus.com.* You may view this referenced service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221. It is also available on the Internet at *http://www.regulations.gov by searching for and locating Docket Number FAA–2015–8468.*

Examining the AD Docket

You may examine the AD docket on the Internet at *http://www.regulations.gov by searching for and locating Docket Number FAA–2015–8468;* or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this AD, the regulatory evaluation, any comments received, and other information. The street address for the Docket Operations office (telephone 800–647–5527) is in the **ADDRESSES** section.

FOR FURTHER INFORMATION CONTACT: Dan Rodina, Aerospace Engineer, International Branch, ANM–116, Transport Airplane Directorate, FAA, 1601 Lind Avenue SW., Renton, WA 98057–3356; telephone 425–227–2125; fax 425–227–1149.

SUPPLEMENTARY INFORMATION:

Discussion

We issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 to supersede AD 2007–21–14 R1, Amendment 39–16061 (74 FR 55123, October 27, 2009) (“AD 2007–21–14 R1”). AD 2007–21–14 R1 applied to all Airbus Model A310 series airplanes. The NPRM published in the **Federal Register** on January 20, 2016 (81 FR 3066) (“the NPRM”). The NPRM was prompted by the issuance of more restrictive maintenance requirements and/or airworthiness limitations by the manufacturer. The NPRM proposed to retain the requirements of AD 2007–21–14 R1, and require more restrictive maintenance requirements and/or airworthiness limitations. We are issuing this AD to prevent the potential of ignition sources inside fuel tanks, which, in combination with flammable fuel vapors caused by latent failures, alterations, repairs, or maintenance actions, could result in fuel tank explosions and consequent loss of the airplane.

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Union, has issued EASA Airworthiness Directive 2014–0193, dated October 15, 2014 (referred to after this as the Mandatory Continuing Airworthiness Information, or “the MCAI”), to correct an unsafe condition on all Airbus Model A310 series airplanes. The MCAI states:

> Prompted by an accident * * *, the Federal Aviation Administration (FAA) published Special Federal Aviation Regulation (SFAR) 88, and the Joint Aviation Authorities (JAA) published Interim Policy INT/POL/25/12. In response to these regulations, Airbus conducted a design review to develop Fuel Airworthiness Limitations (FAL) for Airbus on A310 aeroplanes.
>
> The FAL were specified in Airbus A310 FAL document ref. 95A.1930/05 at issue 02 and in the A310 Airworthiness Limitations Section (ALS) variation to FAL document issue 02, ref. 0BVLG110006/C0S issue 01, for A310 aeroplanes.
>
> EASA issued [EASA] AD 2006–0202 to require compliance with the FAL documents (comprising maintenance/inspection tasks and Critical Design Configuration Control Limitations (CDCCL)).
>
> EASA AD 2006–0202 was superseded by EASA AD 2007–0096 (later revised) [which corresponds to FAA AD 2007–21–14 R1], which retained the original requirements and

corrected and updated the compliance paragraphs concerning task ref. 28–18–00–03–1 and CDCCL's.

Since EASA AD 2007–0096R1 [which corresponds to FAA AD 2007–21–14 R1] was published, Airbus issued A310 ALS Part 5, prompted by EASA policy statement (EASA D2005/CPRO) which requests design approval holders to integrate Fuel Tank Safety items into an ALS document. The A310 ALS Part 5 is approved by EASA.

Failure to comply with the items as identified in Airbus A310 ALS Part 5 could result in a fuel tank explosion and consequent loss of the aeroplane.

For the reasons described above, this [EASA] AD * * * requires implementation of the new and more restrictive maintenance instructions and/or airworthiness limitations as specified in Airbus A310 ALS Part 5.

The unsafe condition is the potential of ignition sources inside fuel tanks, which, in combination with flammable fuel vapors caused by latent failures, alterations, repairs, or maintenance actions, could result in fuel tank explosions and consequent loss of the airplane. You may examine the MCAI in the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2015–8468.

Comments

We gave the public the opportunity to participate in developing this AD. The following presents the comment received on the NPRM. The Air Line Pilots Association International supported the intent of the NPRM.

Conclusion

We reviewed the relevant data, considered the comment received, and determined that air safety and the public interest require adopting this AD as proposed, with minor editorial changes. We have determined that these minor changes:

- Are consistent with the intent that was proposed in the NPRM for correcting the unsafe condition; and
- Do not add any additional burden upon the public than was already proposed in the NPRM.

Related Service Information Under 1 CFR Part 51

Airbus has issued A310 Airworthiness Limitations Section (ALS) Part 5—Fuel Airworthiness Limitations, Revision 00, dated May 27, 2014. The airworthiness limitations introduce mandatory instructions and more restrictive maintenance requirements. This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

Costs of Compliance

We estimate that this AD affects 23 airplanes of U.S. registry.

The actions required by AD 2007–21–14 R1 and retained in this AD take about 2 work-hours per product, at an average labor rate of $85 per work-hour. Required parts cost $0 per product. Based on these figures, the estimated cost of the actions that were required by AD 2007–21–14 R1 is $170 per product.

We also estimate that it takes about 1 work-hour per product to comply with the basic requirements of this AD. The average labor rate is $85 per work-hour. Required parts will cost about $0 per product. Based on these figures, we estimate the cost of this AD on U.S. operators to be $1,955, or $85 per product.

Authority for This Rulemaking

Title 49 of the United States Code specifies the FAA's authority to issue rules on aviation safety. Subtitle I, section 106, describes the authority of the FAA Administrator. "Subtitle VII: Aviation Programs," describes in more detail the scope of the Agency's authority.

We are issuing this rulemaking under the authority described in "Subtitle VII, Part A, Subpart III, Section 44701: General requirements." Under that section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce. This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on products identified in this rulemaking action.

Regulatory Findings

We determined that this AD will not have federalism implications under Executive Order 13132. This AD will not have a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.

For the reasons discussed above, I certify that this AD:

1. Is not a "significant regulatory action" under Executive Order 12866;
2. Is not a "significant rule" under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979);
3. Will not affect intrastate aviation in Alaska; and
4. Will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

Accordingly, under the authority delegated to me by the Administrator, the FAA amends 14 CFR part 39 as follows:

PART 39—AIRWORTHINESS DIRECTIVES

■ 1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by removing Airworthiness Directive (AD) 2007–21–14 R1, Amendment 39–16061 (74 FR 55123, October 27, 2009), and adding the following new AD:

2016–16–07 Airbus: Amendment 39–18605; Docket No. FAA–2015–8468; Directorate Identifier 2014–NM–208–AD.

(a) Effective Date

This AD becomes effective September 14, 2016.

(b) Affected ADs

This AD replaces AD 2007–21–14 R1, Amendment 39–16061 (74 FR 55123, October 27, 2009) ("AD 2007–21–14 R1").

(c) Applicability

This AD applies to Airbus Model A310–203, –204, –221, –222, –304, –322, –324, and –325 airplanes, certificated in any category, all manufacturer serial numbers.

(d) Subject

Air Transport Association (ATA) of America Code 05, Time Limits/Maintenance Checks.

(e) Reason

This AD was prompted by the issuance of more restrictive maintenance requirements and/or airworthiness limitations by the manufacturer. We are issuing this AD to prevent the potential of ignition sources inside fuel tanks, which, in combination with flammable fuel vapors caused by latent failures, alterations, repairs, or maintenance actions, could result in fuel tank explosions and consequent loss of the airplane.

(f) Compliance

Comply with this AD within the compliance times specified, unless already done.

(g) Retained Revision of the Airworthiness Limitations Section (ALS) To Incorporate Fuel Maintenance and Inspection Tasks, With No Changes

This paragraph restates the requirements of paragraph (f) of AD 2007–21–14 R1, with no changes. Within 3 months after November 20, 2007 (the effective date of AD 2007–21–14, Amendment 39–15232, (72 FR 58499, October 16, 2007) ("AD 2007–21–14")), revise the ALS of the Instructions for Continued Airworthiness to incorporate Airbus A310 ALS Part 5—Fuel Airworthiness Limitations, dated May 31, 2006, as defined in Airbus A310 Fuel Airworthiness Limitations, Document 95A.1930/05, Issue 2, dated May 11, 2007 (approved by the European Aviation Safety Agency (EASA) on July 6, 2007), Section 1, "Maintenance/Inspection Tasks." For all tasks identified in Section 1 of Document 95A.1930/05, Issue 2, dated May 11, 2007, the initial compliance times start from the later of the times specified in paragraphs (g)(1) and (g)(2) of this AD, and the repetitive inspections must be accomplished thereafter at the intervals specified in Section 1 of Document 95A.1930/05, except as provided by paragraph (h) of this AD.

(1) November 20, 2007 (the effective date of AD 2007–21–14).

(2) The date of issuance of the original French standard airworthiness certificate or the date of issuance of the original French export certificate of airworthiness.

Note 1 to paragraph (g) of this AD: Airbus Operator Information Telex SE 999.0079/07, Revision 01, dated August 14, 2007, identifies the applicable sections of the Airbus A310 Airplane Maintenance Manual necessary for accomplishing the tasks specified in Section 1 of Document 95A.1930/05.

(h) Retained Revision of Initial Compliance Time for Task 28–18–00–03–1, With No Changes

This paragraph restates the requirements of paragraph (g) of AD 2007–21–14 R1, with no changes. For Task 28–18–00–03–1 identified in Section 1 of Document 95A.1930/05, "Maintenance/Inspection Tasks," of Airbus A310 Fuel Airworthiness Limitations, Document 95A.1930/05, Issue 2, dated May 11, 2007 (approved by the EASA on July 6, 2007): The initial compliance time is the later of the times specified in paragraphs (h)(1) and (h)(2) of this AD. Thereafter, Task 28–18–00–03–1 identified in Section 1 of Document 95A.1930/05, "Maintenance/Inspection Tasks," of Airbus A310 Fuel Airworthiness Limitations, Document 95A.1930/05, Issue 2, dated May 11, 2007 (approved by the EASA on July 6, 2007), must be accomplished at the repetitive interval specified in Section 1 of Airbus A310 Fuel Airworthiness Limitations, Document 95A.1930/05, Issue 2, dated May 11, 2007 (approved by the EASA on July 6, 2007).

(1) Prior to the accumulation of 40,000 total flight hours.

(2) Within 72 months or 20,000 flight hours after November 20, 2007 (the effective date of AD 2007–21–14), whichever occurs first.

(i) Retained Revision of the ALS To Incorporate Critical Design Configuration Control Limitations (CDCCLs), With No Changes

This paragraph restates the requirements of paragraph (h) of AD 2007–21–14 R1, with no changes. Within 12 months after November 20, 2007 (the effective date of AD 2007–21–14), revise the ALS of the Instructions for Continued Airworthiness to incorporate Airbus A310 ALS Part 5—Fuel Airworthiness Limitations, dated May 31, 2006, as defined in Airbus A310 Fuel Airworthiness Limitations, Document 95A.1930/05, Issue 2, dated May 11, 2007 (approved by the EASA on July 6, 2007), Section 2, "Critical Design Configuration Control Limitations."

(j) Retained No Alternative Inspections, Inspection Intervals, or CDCCLs, With New Paragraph Reference

This paragraph restates the requirements of paragraph (i) of AD 2007–21–14 R1, with a new paragraph reference. Except as provided by paragraphs (k) and (m)(1) of this AD: After accomplishing the actions specified in paragraphs (g) and (i) of this AD, no alternative inspections, inspection intervals, or CDCCLs may be used.

(k) New Requirement of This AD: Revise the Maintenance or Inspection Program

Within 3 months after the effective date of this AD, revise the maintenance or inspection program, as applicable, by incorporating the airworthiness limitations as specified in Airbus A310 Airworthiness Limitations Section (ALS) Part 5—Fuel Airworthiness Limitations, Revision 00, dated May 27, 2014. The initial compliance times for the actions specified Airbus A310 ALS Part 5—Fuel Airworthiness Limitations, Revision 00, dated May 27, 2014, are at the later of the times specified in Airbus A310 ALS Part 5—Fuel Airworthiness Limitations, Revision 00, dated May 27, 2014, or within 3 months after the effective date of this AD, whichever occurs later. Accomplishing the revision required by this paragraph terminates the actions required by paragraphs (g) through (i) of this AD.

(l) New Requirement of This AD: No Alternative Inspections, Intervals, and/or CDCCLs

After the maintenance or inspection program has been revised as required by paragraph (k) of this AD, no alternative actions (*e.g.,* inspections), intervals, and/or CDCCLs may be used unless the actions, intervals, and/or CDCCLs are approved as an alternative method of compliance (AMOC) in accordance with the procedures specified in paragraph (m)(1) of this AD.

(m) Other FAA AD Provisions

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, International Branch, ANM–116, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the International Branch, send it to ATTN: Dan Rodina, Aerospace Engineer, International Branch, ANM–116, Transport Airplane Directorate, FAA, 1601 Lind Avenue SW., Renton, WA 98057–3356; telephone 425–227–2125; fax 425–227–1149. Information may be emailed to: *9-ANM-116-AMOC-REQUESTS@faa.gov.* Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the local flight standards district office/certificate holding district office.

(2) *Contacting the Manufacturer:* As of the effective date of this AD, for any requirement in this AD to obtain corrective actions from a manufacturer, the action must be accomplished using a method approved by the Manager, International Branch, ANM–116, Transport Airplane Directorate, FAA; or EASA) or Airbus's EASA Design Organization Approval (DOA). If approved by the DOA, the approval must include the DOA-authorized signature.

(n) Related Information

Refer to Mandatory Continuing Airworthiness Information (MCAI) EASA Airworthiness Directive 2014–0193, dated October 15, 2014, for related information. This MCAI may be found in the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2015–8468.

(o) Material Incorporated by Reference

(1) The Director of the Federal Register approved the incorporation by reference (IBR) of the service information listed in this paragraph under 5 U.S.C. 552(a) and 1 CFR part 51.

(2) You must use this service information as applicable to do the actions required by this AD, unless this AD specifies otherwise.

(3) The following service information was approved for IBR on September 14, 2016.

(i) Airbus A310 Airworthiness Limitations Section (ALS) Part 5—Fuel Airworthiness Limitations, Revision 00, dated May 27, 2014.

(ii) Reserved.

(4) The following service information was approved for IBR on November 20, 2007 (72 FR 58499, October 16, 2007).

(i) Airbus A310 ALS Part 5—Fuel Airworthiness Limitations, dated May 31, 2006.

(ii) Airbus A310 Fuel Airworthiness Limitations, Document 95A.1930/05, Part 5—Fuel Airworthiness Limitations, Issue 2, dated May 11, 2007.

(5) For service information identified in this AD, contact Airbus SAS, Airworthiness Office—EAW, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France; telephone +33 5 61 93 36 96; fax +33 5 61 93 44 51; email *account.airworth-eas@airbus.com;* Internet *http://www.airbus.com.*

(6) You may view this service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221.

(7) You may view this service information that is incorporated by reference at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202–741–6030, or go to: *http://www.archives.gov/federal-register/cfr/ibr-locations.html.*

Issued in Renton, Washington, on July 25, 2016.

Victor Wicklund,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2016–18483 Filed 8–9–16; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2016–4271; Airspace Docket No. 16–AGL–6]

Amendment of Class E Airspace for the Following Minnesota Towns; Hutchinson, MN; Jackson, MN; Pipestone, MN; Two Harbors, MN; and Waseca, MN

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action modifies Class E airspace extending upward from 700 feet above the surface at Hutchinson Municipal Airport-Butler Field, Hutchinson, MN; Jackson Municipal Airport, Jackson, MN; Pipestone Municipal Airport, Pipestone, MN; Richard B. Helgeson Airport, Two Harbors, MN; and Waseca Municipal Airport, Waseca, MN. Decommissioning of the non-directional radio beacon (NDB), cancellation of NDB approaches, and implementation of area navigation (RNAV) procedures have made this action necessary for the safety and management of Instrument Flight Rules (IFR) operations at the above airports. This action also updates the geographic coordinates at Hutchinson Municipal-Butler Field, Jackson Municipal Airport, Pipestone Municipal Airport, and Richard B. Helgeson Airport, to coincide with the FAA's aeronautical database.

DATES: Effective 0901 UTC, November 10, 2016. The Director of the Federal Register approves this incorporation by reference action under Title 1, Code of Federal Regulations, part 51, subject to the annual revision of FAA Order 7400.9 and publication of conforming amendments.

ADDRESSES: FAA Order 7400.9Z, Airspace Designations and Reporting Points, and subsequent amendments can be viewed online at *http://www.faa.gov/air_traffic/publications/*. For further information, you can contact the Airspace Policy Group, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591; telephone: 202–267–8783. The Order is also available for inspection at the National Archives and Records Administration (NARA). For information on the availability of FAA Order 7400.9Z at NARA, call 202–741–6030, or go to *http://www.archives.gov/federal_register/code_of_federal-regulations/ibr_locations.html.* FAA Order 7400.9, Airspace Designations and Reporting Points, is published yearly and effective on September 15.

FOR FURTHER INFORMATION CONTACT: Jeffrey Claypool, Federal Aviation Administration, Operations Support Group, Central Service Center, 10101 Hillwood Parkway, Fort Worth, TX 76177; telephone (817) 222–5711.

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it amends Class E airspace at Hutchinson Municipal Airport-Butler Field, Hutchinson, MN; Jackson Municipal Airport, Jackson, MN; Pipestone Municipal Airport, Pipestone, MN; Richard B. Helgeson Airport, Two Harbors, MN; and Waseca Municipal Airport, Waseca, MN.

History

On May 3, 2016, the FAA published in the **Federal Register** a notice of proposed rulemaking (NPRM) to modify Class E airspace at Hutchinson Municipal Airport-Butler Field, Hutchinson, MN; Jackson Municipal Airport, Jackson, MN; Pipestone Municipal Airport, Pipestone, MN; Richard B. Helgeson Airport, Two Harbors, MN; and Waseca Municipal Airport, Waseca, MN (81 FR 26497) Docket No. FAA–2016–4271. Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal to the FAA. No comments were received.

Class E airspace designations are published in paragraph 6005 of FAA Order 7400.9Z, dated August 6, 2015, and effective September 15, 2015, which is incorporated by reference in 14 CFR part 71.1. The Class E airspace designation listed in this document will be published subsequently in the Order.

Availability and Summary of Documents for Incorporation by Reference

This document amends FAA Order 7400.9Z, Airspace Designations and Reporting Points, dated August 6, 2015, and effective September 15, 2015. FAA Order 7400.9Z is publicly available as listed in the **ADDRESSES** section of this document. FAA Order 7400.9Z lists Class A, B, C, D, and E airspace areas, air traffic service routes, and reporting points.

The Rule

This amendment to Title 14, Code of Federal Regulations (14 CFR) part 71 modifies Class E airspace extending upward from 700 feet above the surface at the following airports:

Within a 6.6-mile radius of Hutchinson Municipal Airport-Butler Field, Hutchinson, MN;
Within a 6.3-mile radius of Jackson Municipal Airport, Jackson, MN;
Within a 6.5-mile radius of Pipestone Municipal Airport, Pipestone, MN;
Within a 7-mile radius of Richard B. Helgeson Airport, Two Harbors, MN; and
Within a 6.3-mile radius of Waseca Municipal Airport, Waseca, MN.

Airspace reconfiguration is necessary due to the decommissioning of non-directional radio beacons (NDB), cancellation of NDB approaches, and implementation of area navigation (RNAV) procedures at the above airports. Controlled airspace is necessary for the safety and management of the standard instrument approach procedures for IFR operations at the airports. Geographic coordinates are being adjusted for the following airports: Hutchinson Municipal-Butler Field, Jackson Municipal Airport, Pipestone Municipal Airport, and Richard B. Helgeson Airport, to coincide with the FAAs aeronautical database.

Regulatory Notices and Analyses

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current, is non-controversial and unlikely to result in adverse or negative comments. It, therefore: (1) Is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a Regulatory Evaluation as the anticipated impact is so minimal. Since this is a routine matter that only affects air traffic procedures and air navigation, it is certified that this rule, when promulgated, does not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Environmental Review

The FAA has determined that this action qualifies for categorical exclusion under the National Environmental Policy Act in accordance with FAA Order 1050.1F, "Environmental Impacts: Policies and Procedures," paragraph 5–6.5.a. This airspace action is not expected to cause any potentially significant environmental impacts, and no extraordinary circumstances exist that warrant preparation of an environmental assessment.

Lists of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 71 as follows:

PART 71—DESIGNATION OF CLASS A, B, C, D, AND E AIRSPACE AREAS; AIR TRAFFIC SERVICE ROUTES; AND REPORTING POINTS

■ 1. The authority citation for part 71 continues to read as follows:

Authority: 49 U.S.C. 106(f), 106(g); 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

§ 71.1 [Amended]

■ 2. The incorporation by reference in 14 CFR 71.1 of FAA Order 7400.9Z, Airspace Designations and Reporting Points, dated August 6, 2015, and effective September 15, 2015, is amended as follows:

Paragraph 6005 Class E Airspace Areas Extending Upward From 700 Feet or More Above the Surface of the Earth.

* * * * *

AGL MN E5 Hutchinson, MN [Amended]

Hutchinson Municipal Airport-Butler Field, MN
(Lat. 44°51′36″ N., long. 94°22′57″ W.)

That airspace extending upward from 700 feet above the surface within a 6.6-mile radius of Hutchinson Municipal Airport-Butler Field.

* * * * *

AGL MN E5 Jackson, MN [Amended]

Jackson Municipal Airport, MN
(Lat. 43°39′01″ N., long. 94°59′12″ W.)

That airspace extending upward from 700 feet above the surface within a 6.3-mile radius of Jackson Municipal Airport.

* * * * *

AGL MN E5 Pipestone, MN [Amended]

Pipestone Municipal Airport, MN
(Lat. 43°58′56″ N., long. 96°18′01″ W.)

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Pipestone Municipal Airport.

* * * * *

AGL MN E5 Two Harbors, MN [Amended]

Richard B. Helgeson Airport, MN
(Lat. 47°02′57″ N., long. 91°44′43″ W.)

That airspace extending upward from 700 feet above the surface within a 7-mile radius of Richard B. Helgeson Airport.

* * * * *

AGL MN E5 Waseca, MN [Amended]

Waseca Municipal Airport, MN
(Lat. 44°04′24″ N., long. 93°33′11″ W.)

That airspace extending upward from 700 feet above the surface within a 6.3-mile radius of Waseca Municipal Airport.

Issued in Fort Worth, Texas, on August 1, 2016.

Walter Tweedy,

Acting Manager, Operations Support Group, ATO Central Service Center.

[FR Doc. 2016–18764 Filed 8–9–16; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2016–4236; Airspace Docket No. 16–ASW–5]

Revocation of Class E Airspace; Lake Providence, LA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action removes Class E airspace extending upward from 700 feet above the surface at Byerley Airport, Lake Providence, LA. The decommissioning of the non-directional radio beacon (NDB) and cancellation of Standard Instrument Approach Procedures have made this action necessary for continued safety and management within the National Airspace System.

DATES: Effective 0901 UTC, November 10, 2016. The Director of the Federal Register approves this incorporation by reference action under Title 1, Code of Federal Regulations, part 51, subject to the annual revision of FAA Order 7400.9 and publication of conforming amendments.

ADDRESSES: FAA Order 7400.9Z, Airspace Designations and Reporting Points, and subsequent amendments can be viewed online at *http://www.faa.gov/air_traffic/publications/*. For further information, you can contact the Airspace Policy Group, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591; telephone: 202–267–8783. The Order is also available for inspection at the National Archives and Records Administration (NARA). For information on the availability of FAA Order 7400.9Z at NARA, call 202–741–6030, or go to *http://www.archives.gov/federal_register/code_of_federal-regulations/ibr_locations.html*.

FAA Order 7400.9, Airspace Designations and Reporting Points, is published yearly and effective on September 15.

FOR FURTHER INFORMATION CONTACT: Rebecca Shelby, Federal Aviation Administration, Operations Support Group, Central Service Center, 10101 Hillwood Parkway, Fort Worth, TX 76177; telephone (817) 222–5857.

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it removes Class E airspace at Byerley Airport, Lake Providence, LA.

History

On April 22, 2016, the FAA published in the **Federal Register** a notice of proposed rulemaking (NPRM) to remove Class E airspace extending upward from 700 feet above the surface at Byerley Airport, Lake Providence, LA. (81 FR 23660) Docket No. FAA–2016–4236. Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal to the FAA. No comments were received.

Class E airspace designations are published in paragraph 6005 of FAA Order 7400.9Z, dated August 6, 2015, and effective September 15, 2015, which is incorporated by reference in 14 CFR part 71.1. The Class E airspace designation listed in this document will be published subsequently in the Order.

Availability and Summary of Documents for Incorporation by Reference

This document amends FAA Order 7400.9Z, Airspace Designations and Reporting Points, dated August 6, 2015, and effective September 15, 2015. FAA Order 7400.9Z is publicly available as listed in the **ADDRESSES** section of this document. FAA Order 7400.9Z lists Class A, B, C, D, and E airspace areas, air traffic service routes, and reporting points.

The Rule

This amendment to Title 14, Code of Federal Regulations (14 CFR) part 71 removes the Class E airspace area extending upward from 700 feet above the surface within a 6.3-mile radius of Byerley Airport, Lake Providence, LA. The controlled airspace is no longer necessary due to the decommissioning of the NDB and cancellation of the NDB approach at the airport.

Regulatory Notices and Analyses

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current, is non-controversial and unlikely to result in adverse or negative comments. It, therefore: (1) Is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a Regulatory Evaluation as the anticipated impact is so minimal. Since this is a routine matter that only affects air traffic procedures and air navigation, it is certified that this rule, when promulgated, does not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Environmental Review

The FAA has determined that this action qualifies for categorical exclusion under the National Environmental Policy Act in accordance with FAA Order 1050.1F, "Environmental Impacts: Policies and Procedures," paragraph 5–6.5.a. This airspace action is not expected to cause any potentially significant environmental impacts, and no extraordinary circumstances exist that warrant preparation of an environmental assessment.

Lists of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 71 as follows:

PART 71—DESIGNATION OF CLASS A, B, C, D, AND E AIRSPACE AREAS; AIR TRAFFIC SERVICE ROUTES; AND REPORTING POINTS

■ 1. The authority citation for Part 71 continues to read as follows:

Authority: 49 U.S.C. 106(f), 106(g); 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

§ 71.1 [Amended]

■ 2. The incorporation by reference in 14 CFR 71.1 of FAA Order 7400.9Z, Airspace Designations and Reporting Points, dated August 6, 2015, and effective September 15, 2015, is amended as follows:

Paragraph 6005 Class E Airspace Areas Extending Upward From 700 Feet or More Above the Surface of the Earth.

* * * * *

ASW LA E5 Lake Providence, LA (Removed)

Issued in Fort Worth, Texas, on July 28, 2016.

Walter Tweedy,

Acting Manager, Operations Support Group, ATO Central Service Center.

[FR Doc. 2016–18771 Filed 8–9–16; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

14 CFR Part 383

RIN 2105–AE51

Revisions to Civil Penalty Amounts

AGENCY: Office of the Secretary (OST), Department of Transportation (DOT).

ACTION: Interim final rule.

SUMMARY: In accordance with the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015, the Department of Transportation is issuing an interim final rule to adjust for inflation the maximum civil penalty amounts for violations of certain aviation economic statutes and the rules and orders issued pursuant to these statutes.

DATES: The rule is effective August 10, 2016.

FOR FURTHER INFORMATION CONTACT: Stuart A. Hindman, Trial Attorney, Office of Aviation Enforcement and Proceedings, U.S. Department of Transportation, 1200 New Jersey Ave. SE., Washington, DC 20590, 202–366–9342, 202–366–7152 (fax), *stuart.hindman@dot.gov* (email).

SUPPLEMENTARY INFORMATION:

I. Regulatory Information

DOT is promulgating this interim final rule to ensure that the maximum civil penalty liability amounts set forth in 14 CFR part 383 that may be assessed by the Department as a result of violations of certain economic provisions of Title 49 of the United States Code reflect the statutorily mandated maximums as adjusted for inflation. Pursuant to section 701 of the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015 (the 2015 Act), DOT is required to promulgate a "catch-up adjustment" through an interim final rule. Public Law 114–74. The 2015 Act requires the Department to adjust certain civil penalty amounts and provides clear direction for how to adjust the civil penalties, which leaves the agency little room for discretion. By operation of the 2015 Act, DOT must publish the catch-up adjustment by July 1, 2016, and the new levels must take effect no later than August 1, 2016. For these reasons, pursuant to the 2015 Act and 5 U.S.C. 553(b)(3)(B), 553(d)(3), DOT finds that good cause exists for immediate implementation of this interim final rule without prior notice and comment and with an immediate effective date.

II. Background

On November 2, 2015, the President signed into law the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015, which amended the Federal Civil Penalties Inflation Adjustment Act of 1990 (the Inflation Adjustment Act), to improve the effectiveness of civil monetary penalties and to maintain their deterrent effect. The 2015 Act requires agencies to: (1) Adjust the level of civil monetary penalties with an initial "catch-up" adjustment through an interim final rule (IFR); and (2) make subsequent annual adjustments for inflation.

The method of calculating inflation adjustments in the 2015 Act differs substantially from the methods used in past inflation adjustment rulemakings conducted pursuant to the Inflation Adjustment Act. Previously, adjustments to civil penalty amounts were conducted under requirements that mandated significant rounding of figures. For example, a penalty increase that was greater than $1,000, but less than or equal to $10,000 would be rounded to the nearest multiple of $1,000. While this allowed penalties to be kept at round numbers, it meant that penalties would often not be increased at all if inflation had increased but not by a large enough factor. Furthermore, increases to penalties were capped at 10 percent. Over time, this formula caused penalties to lose value relative to total inflation.

The 2015 Act has removed these rounding requirements; now, penalty amounts are simply rounded to the nearest $1. While this results in penalty amounts that are no longer round numbers, it does ensure that penalty amounts will be increased each year to a figure commensurate with the actual calculated inflation. Furthermore, the 2015 Act "resets" the inflation calculations by excluding prior inflationary adjustments made under the Inflation Adjustment Act, which contributed to a decline in the real value of penalty levels. To do this, the 2015 Act requires agencies to identify, for each penalty, the year and corresponding amount(s) for which the maximum penalty level or range of minimum and maximum penalties was originally enacted by Congress or last adjusted by statute or regulation, other than pursuant to the Inflation Adjustment Act. DOT has determined that the maximum levels for the civil penalties that may be assessed for violations of aviation economic statutes and regulations pursuant to 14 CFR part 383 were established by Vision 100—Century of Aviation Reauthorization Act of 2003 ("Vision 100") (Section 503, Pub. L. 108–176; 117 Stat. 2490, December 12, 2003), and have not been adjusted since, excluding Inflation Adjustment Act revisions.

III. Completing the Catch-Up Adjustment

The table below shows the penalties that we are increasing pursuant to the 2015 Act. These calculations follow guidance by the Office of Management and Budget (OMB), M–16–06, "Implementation of the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015," dated Feb. 24, 2016.

In the first column, we have provided a description of the penalty. In the second column ("Citation,") we have provided the United States Code (U.S.C.) statutory citation for the provision that authorizes that penalty. In the third column ("Current Penalty"), we have listed the existing penalty, and in the fourth column ("Baseline Penalty"), we have provided the amount of the penalty as enacted by Congress or changed through a mechanism other than pursuant to the Inflation Adjustment Act, which in the case of all five of these adjustments is by Vision 100. The multiplier that we have used to adjust from the CPI–U of the year of this last adjustment (2003) to the CPI–U for the current year was provided by the Office of Management and Budget; it is 1.28561. Multiplying the baseline penalty by the multiplier provides the "New Penalty" listed in the final column, rounded to the nearest dollar. In accordance with the 2015 Act and OMB memorandum M–16–06, however, DOT did not increase penalty levels by more than 150 percent of the corresponding levels in effect on November 2, 2015. The adjusted penalty is to be the lesser of either the preliminary new penalty arrived at via the multiplier or an amount equal to 250% of the current penalty. In the case of these five penalties, the lesser number was the figure that resulted from applying the multiplier.

Where applicable, DOT has also made conforming edits to regulatory text. In addition, we are deleting a reference to the Debt Collection Improvement Act of 1996 in section 383.1(b) of the regulatory text. The Debt Collection Improvement Act of 1996 amended the Federal Civil Penalties Inflation Adjustment Act of 1990. Additionally, in the regulatory text for section 383.1(b) we are deleting the reference to the Inflation Adjustment Act because it has been amended by the 2015 Act.

Pursuant to the 2015 Act, in the event a violation took place prior to the effective date of the new penalty level, and the DOT assessed a penalty after the effective date, the new penalty level shall be assessed in a manner consistent with applicable law. The 2015 Act does not alter DOT's statutory authority, to the extent it exists, to assess penalties below the maximum level. As the 2015 Act applies to penalties assessed after the effective date of the applicable adjustment, the 2015 Act adjusts penalties prospectively. The 2015 Act does not retrospectively change previously assessed or enforced penalties that DOT is actively collecting or has collected.

Description	Citation	Current penalty	Base line penalty	New penalty
General civil penalty for violations of certain aviation economic regulations and statutes.	49 U.S.C. 46301(a)(1)	$27,500	$25,000	$32,140
General civil penalty for violations of certain aviation economic regulations and statutes involving an individual or small business concern.	49 U.S.C. 46301(a)(1)	1,100	1,100	1,414
Civil penalties for individuals or small businesses for violations of most provisions of Chapter 401 of Title 49, including the anti-discrimination provisions of sections 40127 and 41705 and rules and orders issued pursuant to these provisions.	49 U.S.C. 46301(a)(5)(A) ...	11,000	10,000	12,856
Civil penalties for individuals or small businesses for violations of 49 U.S.C. 41719 and rules and orders issued pursuant to that provision.	49 U.S.C. 46301(a)(5)(C) ...	5,500	5,000	6,428
Civil penalties for individuals or small businesses for violations of 49 U.S.C. 41712 or consumer protection rules and orders issued pursuant to that provision.	49 U.S.C. 46301(a)(5)(D) ...	2,750	2,500	3,214

Regulatory Analysis and Notices

A. Executive Orders 12866 and 13563 and DOT Regulatory Policies and Procedures

This interim final rule has been evaluated in accordance with existing policies and procedures and is considered not significant under Executive Orders 12866 and 13563 or DOT's Regulatory Policies and Procedures; therefore, the rule has not been reviewed by the Office of Management and Budget (OMB) under Executive Order 12866.

The increase of the maximum civil penalty will impact entities and individuals that are found to be in violation of certain aviation economic and consumer protection statutes, rules, and orders. There is no direct cost to any regulated entity or individual unless the entity or individual is found to have committed a violation. Furthermore, the economic impact of the interim final rule is expected to be minimal to the extent that preparation of a regulatory evaluation is not warranted.

B. Regulatory Flexibility Analysis

The Regulatory Flexibility Act of 1980 (5 U.S.C. 601, *et seq.*) requires an assessment of the impact of proposed and final rules on small entities unless the agency certifies that the proposed regulation will not have a significant economic impact on a substantial number of small entities. An air carrier or a foreign air carrier is a small business if it provides air transportation only with small aircraft (*i.e.*, aircraft with up to 60 seats/18,000 pound payload capacity). *See* 14 CFR 399.73.

The revision of the civil penalty amount will raise potential penalties for individuals and small businesses with regard to violations of certain aviation economic regulations and statutes or consumer protection rules and orders. Because the largest increase to the maximum civil penalty affecting small entities is only $2,856, the aggregate economic impact of this rulemaking on small entities should be minimal and would only be borne by those entities found in violation of the regulations.

Accordingly, I hereby certify that this action will not have a significant economic impact on a substantial number of small entities.

In addition, DOT has determined the RFA does not apply to this rulemaking. The 2015 Inflation Act requires DOT to publish an interim final rule and does not require DOT to complete notice and comment procedures under the APA. The Small Business Administration's *A Guide for Government Agencies: How to Comply with the Regulatory Flexibility Act* (2012), provides that:

> If, under the APA or any rule of general applicability governing federal grants to state and local governments, the agency is required to publish a general notice of proposed rulemaking (NPRM), the RFA must be considered [citing 5 U.S.C. 604(a)]. . . . If an NPRM is not required, the RFA does not apply.

Therefore, because the 2015 Inflation Act does not require an NPRM for this rulemaking, the RFA does not apply.

C. Executive Order 13132 (Federalism)

This interim final rule has been analyzed in accordance with the principles and criteria contained in Executive Order 13132 ("Federalism"). This regulation has no substantial direct effects on the States, the relationship between the national government and the States, or the distribution of power and responsibilities among the various levels of government. It does not contain any provision that imposes substantial direct compliance costs on State and local governments. It does not contain any new provision that preempts state law, because states are already preempted from regulating in this area under the Airline Deregulation Act, 49 U.S.C. 41713. Therefore, the consultation and funding requirements of Executive Order 13132 do not apply.

D. Executive Order 13084

This rule has been analyzed in accordance with the principles and criteria contained in Executive Order 13084 ("Consultation and Coordination with Indian Tribal Governments"). Because none of the measures in the rule will significantly or uniquely affect the communities of the Indian tribal governments or impose substantial direct compliance costs on them, the funding and consultation requirements of Executive Order 13084 do not apply.

E. Paperwork Reduction Act

Under the Paperwork Reduction Act, before an agency submits a proposed collection of information to OMB for approval, it must publish a document in the **Federal Register** providing notice of and a 60-day comment period on, and otherwise consult with members of the public and affected agencies concerning, each proposed collection of information. This rule imposes no new information reporting or record keeping necessitating clearance by the Office of Management and Budget.

F. National Environmental Policy Act

The Department has analyzed the environmental impacts of this interim final rule pursuant to the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321 *et seq.*) and has determined that it is categorically excluded pursuant to DOT Order 5610.1C, Procedures for Considering Environmental Impacts (44 FR 56420, Oct. 1, 1979). Categorical exclusions are actions identified in an agency's NEPA implementing procedures that do not normally have a significant impact on the environment and therefore do not require either an environmental assessment (EA) or environmental impact statement (EIS). *See* 40 CFR 1508.4. In analyzing the applicability of a categorical exclusion, the agency must also consider whether extraordinary circumstances are present that would warrant the preparation of an EA or EIS. *Id.* Paragraph 3.c.6.i of DOT Order 5610.1C categorically excludes "[a]ctions relating to consumer protection, including regulations." The purpose of this rulemaking is to adjust the maximum civil penalties for violations of certain aviation consumer protection statutes, regulations, and orders. The Department does not anticipate any environmental impacts, and there are no extraordinary circumstances present in connection with this rulemaking.

G. Unfunded Mandates Reform Act

The Department analyzed the interim final rule under the factors in the Unfunded Mandates Reform Act of 1995. The Department considered whether the rule includes a federal mandate that may result in the expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of $100,000,000 or more (adjusted annually for inflation) in any one year. The Department has determined that this interim final rule will not result in such expenditures. Accordingly, this interim final rule is not subject to the Unfunded Mandates Reform Act.

List of Subjects in 14 CFR Part 383

Administrative practice and procedure, Penalties.

For the reasons stated in the preamble, the Office of the Secretary of Transportation amends 14 CFR part 383 as set forth below:

PART 383—CIVIL PENALTIES

■ 1. The authority citation for 14 CFR Part 383 is revised to read as follows:

Authority: Sec. 701, Pub. L. 114–74, 129 Stat. 584; Sec. 503, Pub. L. 108–176, 117 Stat. 2490; Pub. L. 101–410, 104 Stat. 890; Sec. 31001, Pub. L. 104–134.

■ 2. Section 383.1 is revised to read as follows:

§ 383.1 Purpose and periodic adjustment.

(a) *Purpose.* This part adjusts the civil penalty liability amounts prescribed in 49 U.S.C. 46301(a) for inflation in accordance with the Act cited in paragraph (b) of this section.

(b) *Periodic Adjustment.* DOT will periodically adjust the maximum civil penalties set forth in 49 U.S.C. 46301 and this part as required by the Federal Civil Penalties Inflation Adjustment Act of 1990 as amended by the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015.

■ 3. Section 383.2 is revised to read as follows:

§ 383.2 Amount of penalty.

Civil penalties payable to the U.S. Government for violations of Title 49, Chapters 401 through 421, pursuant to 49 U.S.C. 46301(a), are as follows:

(a) A general civil penalty of not more than $32,140 (or $1,414 for individuals or small businesses) applies to violations of statutory provisions and rules or orders issued under those provisions, other than those listed in paragraph (b) of this section, (*see* 49 U.S.C. 46301(a)(1));

(b) With respect to small businesses and individuals, notwithstanding the general $1,414 civil penalty, the following civil penalty limits apply:

(1) A maximum civil penalty of $12,856 applies for violations of most provisions of Chapter 401, including the anti-discrimination provisions of sections 40127 (general provision), and 41705 (discrimination against the disabled) and rules and orders issued pursuant to those provisions (*see* 49 U.S.C. 46301(a)(5)(A));

(2) A maximum civil penalty of $6,428 applies for violations of section 41719 and rules and orders issued pursuant to that provision (*see* 49 U.S.C. 46301(a)(5)(C)); and

(3) A maximum civil penalty of $3,214 applies for violations of section 41712 or consumer protection rules or orders (*see* 49 U.S.C. 46301(a)(5)(D)).

Issued in Washington, DC, under authority delegated at 49 CFR 1.27(n), on: August 5, 2016.

Molly J. Moran,

Acting General Counsel.

[FR Doc. 2016–19003 Filed 8–9–16; 8:45 am]

BILLING CODE 4910–9X–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 300

[TD 9781]

RIN 1545–BN02

Preparer Tax Identification Number (PTIN) User Fee Update

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Final regulations and removal of temporary regulations.

SUMMARY: This document contains final regulations relating to the imposition of certain user fees on tax return preparers. The final regulations supersede and adopt the text of temporary regulations that reduced the user fee to apply for or renew a preparer tax identification number (PTIN) from $50 to $33. The final regulations affect individuals who apply for or renew a PTIN. The Independent Offices Appropriations Act of 1952 authorizes the charging of user fees.

DATES: *Effective Date:* These regulations are effective on September 9, 2016. *Applicability Date:* For date of applicability, see § 300.13(d).

FOR FURTHER INFORMATION CONTACT: Concerning the final regulations, Hollie M. Marx at (202) 317–6844; concerning cost methodology, Eva J. Williams at (202) 803–9728 (not toll-free numbers).

SUPPLEMENTARY INFORMATION:

Background and Summary of Comments

This document contains final regulations relating to the imposition of a user fee to apply for or renew a PTIN. The Independent Offices Appropriations Act of 1952 (IOAA), which is codified at 31 U.S.C. 9701, authorizes agencies to prescribe regulations that establish user fees for services provided by the agency. The charges must be fair and must be based on the costs to the government, the value of the service to the recipient, the public policy or interest served, and other relevant facts. The IOAA provides that regulations implementing user fees are subject to policies prescribed by the President; these policies are set forth in the Office of Management and Budget Circular A–25, 58 FR 38142 (July 15, 1993) (OMB Circular A–25).

Under OMB Circular A–25, federal agencies that provide services that confer special benefits on identifiable recipients beyond those accruing to the general public are to establish user fees that recover the full cost of providing the special benefit. An agency that seeks to impose a user fee for government-provided services must calculate the full cost of providing those services, review user fees biennially, and update them as necessary.

Section 6109(a)(4) of the Internal Revenue Code (Code) authorizes the Secretary to prescribe regulations for the inclusion of a tax return preparer's identifying number on a return, statement, or other document required to be filed with the IRS. On September 30, 2010, the Treasury Department and the IRS published final regulations under section 6109 (REG–134235–08) in the **Federal Register** (TD 9501) (75 FR 60315) (PTIN regulations) to provide that, for returns or claims for refund filed after December 31, 2010, the identifying number of a tax return preparer is the individual's PTIN or such other number prescribed by the IRS in forms, instructions, or other appropriate guidance. The PTIN regulations require a tax return preparer who prepares or who assists in preparing all or substantially all of a tax return or claim for refund after December 31, 2010 to have a PTIN. Final regulations (REG–139343–08) published in the **Federal Register** (TD 9503) (75 FR 60316) on September 30, 2010, established a $50 user fee to apply for or renew a PTIN. The ability to prepare tax returns and claims for refund for compensation is a special benefit, for which the IRS may charge a user fee to recover the full costs of providing the special benefit.

Pursuant to the guidelines in OMB Circular A–25, the IRS recalculated its cost of providing services under the PTIN application and renewal process and determined that the full cost of administering the PTIN program going forward is reduced from $50 to $33 per application or renewal. On October 30, 2015, the Treasury Department and the IRS published in the **Federal Register** (80 FR 66851–01) a notice of proposed rulemaking by cross-reference to temporary regulations (REG–121496–15) proposing amendments to regulations under 26 CFR part 300. On the same date, the Treasury Department and the IRS published in the **Federal Register** (80 FR 66792–01) temporary regulations (TD 9742) that reduced the amount of the user fee to obtain or renew a PTIN from $50 to $33 per original or renewal application. Five electronic public comments were submitted under the regulation number for the proposed regulations, but their contents related to issues other than a user fee for applying for or renewing a PTIN and are not relevant to these regulations. The comments are available for public inspection at *http://www.regulations.gov* or upon request. The IRS received no requests for a public hearing, and none was held. The final regulations adopt the proposed regulations without change. The temporary regulations are hereby made obsolete and removed.

Effect on Other Documents

Temporary regulations § 300.13T are obsolete as of September 9, 2016.

Special Analyses

Certain IRS regulations, including this one, are exempt from the requirements of Executive Order 12866, as supplemented and reaffirmed by Executive Order 13563. Therefore, a regulatory impact assessment is not required.

The Administrative Procedure Act provides that substantive rules generally will not be effective until thirty days after the final regulations are published in the **Federal Register** (5 U.S.C. 553(d)). The Treasury Department and the IRS have determined that section 5 U.S.C. 553(d) of the Administrative Procedure Act applies to these final regulations.

The notice of proposed rulemaking (REG–121496–15) included an initial regulatory flexibility analysis. The Treasury Department and the IRS concluded in the initial regulatory flexibility analysis that the proposed regulations, if promulgated, may have a significant economic impact on a substantial number of small entities. None of the public comments submitted under the regulation number for the proposed regulation addressed the initial regulatory flexibility analysis. After further consideration, the Treasury Department and the IRS conclude that no final regulatory flexibility analysis is required. The Treasury Department and the IRS certify that the final regulations will not have a significant economic impact on a substantial number of small entities. Although the final regulations will likely affect a substantial number of small entities, the economic impact on those entities is not significant. The final regulations establish a $33 fee to apply for or renew a PTIN per original or renewal application, which is a reduction from the previously established fee of $50 per original or renewal application, and the $33 fee will not have a significant economic impact on a small entity.

Pursuant to section 7805(f) of the Code, the notice of proposed rulemaking that preceded these final regulations was submitted to the Chief Counsel for Advocacy of the Small Business Administration for comment on its impact on small business. No comments were received on the proposed regulations.

Drafting Information

The principal author of these final regulations is Hollie M. Marx, Office of the Associate Chief Counsel (Procedure and Administration). However, other personnel from the Treasury Department and the IRS participated in their development.

List of Subjects in 26 CFR Part 300

Reporting and recordkeeping requirements, User fees.

Adoption of Amendments to the Regulations

Accordingly, 26 CFR part 300 is amended as follows:

PART 300—USER FEES

■ **Paragraph 1.** The authority citation for part 300 continues to read as follows:

Authority: 31 U.S.C. 9701.

■ **Par. 2.** Section 300.13 is amended by adding paragraph (b) and revising paragraph (d) to read as follows:

§ 300.13 Fee for obtaining a preparer tax identification number.

* * * * *

(b) *Fee.* The fee to apply for or renew a preparer tax identification number is $33 per year, which is the cost to the government for processing the application for a preparer tax identification number and does not include any fees charged by the vendor.

* * * * *

(d) *Applicability date.* This section will be applicable for applications for and renewal of a preparer tax identification number filed on or after September 9, 2016.

§ 300.13T [Removed]

■ **Par. 3.** Section 300.13T is removed.

John Dalrymple,

Deputy Commissioner for Services and Enforcement.

Approved: July 14, 2016.

Mark J. Mazur,

Assistant Secretary of the Treasury (Tax Policy).

[FR Doc. 2016–18925 Filed 8–9–16; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF DEFENSE

Department of the Army

32 CFR Part 505

[USA–2016–HQ–0030]

Army Privacy Program

AGENCY: Department of the Army, DoD.

ACTION: Direct final rule.

SUMMARY: The Department of the Army is amending the Army Privacy Program Regulation. Specifically, Army is adding exemption rules for Army system of records “A0600–20 SAMR, Soldiers Equal Opportunity Investigative Files”. This rule provides policies and procedures for the Army's implementation of the Privacy Act of 1974, as amended. This direct final rule makes changes to the Department of the Army's Privacy Program rule. These changes will allow the Department to exempt records from certain portions of the Privacy Act. This will improve the efficiency and effectiveness of the Department of Defense's (DoD's) program by preserving the exempt status of the records when the purposes underlying the exemption are valid and necessary to protect the contents of the records.

DATES: The rule will be effective October 19, 2016 unless comments are received that would result in a contrary determination. Comments will be accepted on or before October 11, 2016.

ADDRESSES: You may submit comments, identified by docket number and/or RIN number and title, by any of the following methods:

- *Federal Rulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Mail:* Department of Defense, Office of the Deputy Chief Management Officer, Directorate for Oversight and Compliance, 4800 Mark Center Drive, Mailbox #24, Alexandria, VA 22350–1700.

Instructions: All submissions received must include the agency name and docket number or Regulatory Information Number (RIN) for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the Internet at *http://www.regulations.gov* as they are received without change, including any personal identifiers or contact information.

FOR FURTHER INFORMATION CONTACT: Ms. Tracy C. Rogers, Chief, FOIA/PA, telephone: 703–428–7499.

SUPPLEMENTARY INFORMATION:

Direct Final Rule and Significant Adverse Comments

DoD has determined this rulemaking meets the criteria for a direct final rule because it involves non-substantive changes dealing with DoD's management of its Privacy Programs. DoD expects no opposition to the changes and no significant adverse comments. However, if DoD receives a significant adverse comment, the Department will withdraw this direct final rule by publishing a notice in the **Federal Register**. A significant adverse comment is one that explains: (1) Why the direct final rule is inappropriate, including challenges to the rule's underlying premise or approach; or (2) why the direct final rule will be ineffective or unacceptable without a change. In determining whether a comment necessitates withdrawal of this direct final rule, DoD will consider whether it warrants a substantive response in a notice and comment process.

This regulatory action imposes no monetary costs to the Agency or public. The benefit to the public is the accurate reflection of the Agency's Privacy Program to ensure that policies and procedures are known to the public.

Regulatory Procedures

Executive Order 12866, "Regulatory Planning and Review" and Executive Order 13563, "Improving Regulation and Regulatory Review"

Executive Orders 13563 and 12866 direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distribute impacts, and equity). Executive Order 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. It has been determined this Privacy Act rule is not a significant rule. This rule does not (1) have an annual effect on the economy of $100 million or more or adversely affect in a material way the economy; a sector of the economy; productivity; competition; jobs; the environment; public health or safety; or State, local, or tribal governments or communities; (2) create a serious inconsistency or otherwise interfere with an action taken or planned by another Agency; (3) materially alter the budgetary impact of entitlements, grants, user fees, or loan programs, or the rights and obligations of recipients thereof; or (4) raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in these Executive Orders.

Public Law 96–354, "Regulatory Flexibility Act" (5 U.S.C. Chapter 6)

It has been determined that this Privacy Act rule for the DoD does not have significant economic impact on a substantial number of small entities because it is concerned only with the administration of Privacy Act within the DoD.

Public Law 95–511, "Paperwork Reduction Act" (44 U.S.C. Chapter 35)

It has been determined that this Privacy Act rule for the DoD imposes no information collection requirements on the public under the Paperwork Reduction Act of 1995.

Section 202, Public Law 104–4, "Unfunded Mandates Reform Act"

It has been determined that this Privacy Act rulemaking for the DoD does not involve a Federal mandate that may result in the expenditure by State, local and tribal governments, in the aggregate, or by the private sector, of $100 million or more and that such rulemaking will not significantly or uniquely affect small governments.

Executive Order 13132, "Federalism"

It has been determined that the Privacy Act rule for the Department of Defense does not have federalism implications. The rule does not have substantial direct effects on the States, on the relationship between the National Government and the States, or on the distribution of power and responsibilities among the various levels of government.

List of Subjects in 32 CFR Part 505

Privacy.

Accordingly 32 CFR part 505 is amended as follows:

PART 505—ARMY PRIVACY ACT PROGRAM

■ 1. The authority citation for 32 CFR part 505 continues to read as follows:

Authority: Public Law 93–579, 88 Stat. 1896 (5 U.S.C. 552a).

■ 2. Amend appendix D to part 505 by adding paragraph (g)(35) to read as follows:

Appendix D to Part 505—Exemptions, Exceptions, and DoD Blanket Routine Uses

* * * * *

(g) * * *

(35) System identifier: A0600–20 SAMR.

(i) System name: Soldiers Equal Opportunity Investigative Files.

(ii) Exemptions: Investigatory material compiled for law enforcement purposes, other than material within the scope of subsection 5 U.S.C. 552a(j)(2), is exempt pursuant to 5 U.S.C. 552a(k)(2). However, if an individual is denied any right, privilege, or benefit for which he would otherwise be entitled by Federal law or for which he would otherwise be eligible, as a result of the maintenance of such information, such material shall be provided to the individual, except to the extent that disclosure would reveal the identity of a confidential source. Therefore, portions of this system of records may be exempt pursuant to 5 U.S.C. 552a(k)(2) from subsections 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (e)(4)(H), (e)(4)(I), and (f).

(iii) Authority: 5 U.S.C. 552a(k)(2).

(iv) Reasons: (A) From subsection (c)(3) because the release of the disclosure accounting would permit the subject of a criminal investigation or other investigation conducted for law enforcement purposes to obtain valuable information concerning the nature of that investigation which will present a serious impediment to law enforcement.

(B) From subsection (d) because access to such records contained in this system would inform the subject of a criminal investigation or other investigation conducted for law enforcement purposes, of the existence of that investigation, provide the subject of the investigation with information that might enable him to avoid detection or apprehension, and would present a serious impediment to law enforcement.

(C) From subsection (e)(1) because in the course of criminal investigations or other law enforcement investigations, information is often obtained concerning the violations of laws or civil obligations of others not relating to an active case or matter. In the interests of effective law enforcement, it is necessary that this valuable information is retained because it can aid in establishing patterns of activity and provide valuable leads for other agencies and future cases that may be brought.

(D) From subsections (e)(4)(G) and (e)(4)(H) because the requirements in those subsections are inapplicable to the extent that portions of this system of records may be exempted from subsection (d), concerning individual access.

(E) From subsection (e)(4)(I) because the identity of specific sources must be withheld to protect the confidentiality of the sources of criminal and other law enforcement information. This exemption is further necessary to protect the privacy and physical safety of witnesses and informants.

(F) From subsection (f) because portions of this system of records have been exempted from the access provisions of subsection (d).

(G) For records that are copies of exempt records from external systems of records, such records are only exempt from pertinent provisions of 5 U.S.C. 552a to the extent such provisions have been identified and an exemption claimed for the original record and the purposes underlying the exemption for the original record still pertain to the record that is now contained in this system of records. In general, the exemptions were claimed to properly protect classified information relating to national defense and foreign policy; to avoid interference during the conduct of criminal, civil, or administrative actions or investigations; to ensure protective services provided to the President and others are not compromised; to protect records used solely as statistical records; to protect the identity of confidential sources incident to Federal employment, military service, contract, and security clearance determinations; to preserve the confidentiality and integrity of Federal testing materials; and to safeguard evaluation materials used for military promotions when provided by a confidential source. The exemption rule for the original records will identify the specific reasons the records are exempt from specific provisions of 5 U.S.C. 552a.

* * * * *

Dated: August 4, 2016.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2016–18822 Filed 8–9–16; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[Docket No. USCG–2016–0677]

Drawbridge Operation Regulation; Berwick Bay-Atchafalaya River, Morgan City, LA

AGENCY: Coast Guard, DHS.

ACTION: Notice of deviation from drawbridge regulations.

SUMMARY: The Coast Guard has issued a temporary deviation from the operating schedule that governs the Morgan City Railroad Bridge across Berwick Bay at mile 17.5 of the Atchafalaya River and the Gulf Intracoastal Waterway, Morgan City to Port Allen Alternate Route, mile 0.3 in Morgan City, St. Mary Parish, Louisiana. The deviation is necessary to conduct maintenance on the bridge. This deviation allows the bridge to remain temporarily closed to navigation for five hours.

DATES: This deviation is effective from 7 a.m. to noon on August 25, 2016.

ADDRESSES: The docket for this deviation, [USCG–2016–0677] is available at *http://www.regulations.gov.* Type the docket number in the "SEARCH" box and click "SEARCH". Click on Open Docket Folder on the line associated with this deviation.

FOR FURTHER INFORMATION CONTACT: If you have questions on this temporary deviation, call or email David Frank, Bridge Administration Branch, Coast Guard; telephone 504–671–2128, email *david.m.frank@uscg.mil.*

SUPPLEMENTARY INFORMATION: The Burlington Northern Santa Fe Railway Company requested a temporary deviation from the operating schedule of the Morgan City Railroad Bridge across Berwick Bay at mile 17.5 of the Atchafalaya River and the Gulf Intracoastal Waterway, Morgan City to Port Allen Alternate Route, mile 0.3 in Morgan City, St. Mary Parish, Louisiana. This deviation was requested to allow the bridge owner to replace a cracked joint on the west end of the bridge. This bridge is governed by 33 CFR 117.5.

This deviation allows the vertical lift bridge to remain closed to navigation from 7 a.m. to noon on Thursday, August 25, 2016. The bridge has a vertical clearance of 4 feet above high water in the closed-to-navigation position and 73 feet above high water in the open-to-navigation position. Navigation on the waterway consists of tugs with tows, oil industry related work boats and crew boats, commercial fishing vessels and some recreational craft.

Vessels able to pass through the bridge in the closed position may do so at any time and should pass at the slowest safe speed. The bridge will not be able to open for emergencies and the Morgan City-Port Allen Landside route through Amelia, LA is the closest available alternate route.

The Coast Guard will also inform the users of the waterways through our Local and Broadcast Notices to Mariners of the change in operating schedule for the bridge.

In accordance with 33 CFR 117.35(e), the drawbridge must return to its regular operating schedule immediately at the end of the effective period of this temporary deviation. This deviation from the operating regulations is authorized under 33 CFR 117.35.

David M. Frank,

Bridge Administrator, Eighth Coast Guard District.

[FR Doc. 2016–18968 Filed 8–9–16; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket No. USCG–2016–0685]

Safety Zones; Multiple Fireworks and Swim in Captain of the Port New York Zone

AGENCY: Coast Guard, DHS.

ACTION: Notice of enforcement of regulation.

SUMMARY: The Coast Guard will enforce various safety zones within the Captain of the Port New York Zone on the specified dates and times. This action is necessary to ensure the safety of vessels and spectators from hazards associated with fireworks displays. During the enforcement period, no person or vessel may enter the safety zones without permission of the Captain of the Port (COTP).

DATES: The regulation for the safety zones described in 33 CFR 165.160 will be enforced on the dates and times listed in the table below.

FOR FURTHER INFORMATION CONTACT: If you have questions on this document, call or email Petty Officer First Class Ronald Sampert U.S. Coast Guard; telephone 718–354–4197, email *ronald.j.sampert@uscg.mil.*

SUPPLEMENTARY INFORMATION: The Coast Guard will enforce the safety zones listed in 33 CFR 165.160 on the specified dates and times as indicated in Tables 1 and 2 below. This regulation was published in the **Federal Register** on November 9, 2011 (76 FR 69614).

TABLE 1

1. First Data Corp Fireworks Display, Ellis Island Safety Zone; 33 CFR 165.160 (2.2).	• Launch site: A barge located between Federal Anchorages 20–A and 20–B, in approximate position 40°41′45″ N., 074°02′09″ W. (NAD 1983) about 365 yards east of Ellis Island. This Safety Zone is a 360-yard radius from the barge. • Date: September 10, 2016. • Time: 7:40 p.m.–9:00 p.m.

TABLE 1—Continued

2. Save the Date Fireworks Display, Ellis Island Safety Zone; 33 CFR 165.160 (2.2).	• Launch site: A barge located between Federal Anchorages 20–A and 20–B, in approximate position 40°41′45″ N., 074°02′09″ W. (NAD 1983) about 365 yards east of Ellis Island. This Safety Zone is a 360-yard radius from the barge. • Date: October 27, 2016. • Time: 8:30 p.m.–10:00 p.m.

TABLE 2

1. Rose Pitonof Swim, Swim Event; 33 CFR 165.160 (4.2)	• Location: Participants will swim between Manhattan, New York and the shore of Coney Island, New York transiting through the Upper New York Bay, under the Verrazano-Narrows Bridge and south in the Lower New York Bay. The route direction is determined by the predicted tide state and direction of current on the scheduled day of the event. • This Safety Zone includes all waters within a 100-yard radius of each participating swimmer. • Date: August 13, 2016. • Time: 6:00 a.m.–12:00 p.m.

Under the provisions of 33 CFR 165.160, vessels may not enter the safety zones unless given permission from the COTP or a designated representative. Spectator vessels may transit outside the safety zones but may not anchor, block, loiter in, or impede the transit of other vessels. The Coast Guard may be assisted by other Federal, State, or local law enforcement agencies in enforcing this regulation.

This document is issued under authority of 33 CFR 165.160(a) and 5 U.S.C. 552(a). In addition to this notification in the **Federal Register**, the Coast Guard will provide mariners with advanced notification of enforcement periods via the Local Notice to Mariners and marine information broadcasts. If the COTP determines that a safety zone need not be enforced for the full duration stated in this notice, a Broadcast Notice to Mariners may be used to grant general permission to enter the safety zone.

Dated: July 22, 2016.

M.H. Day,

Captain, U.S. Coast Guard, Captain of the Port New York.

[FR Doc. 2016–18894 Filed 8–9–16; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF VETERANS AFFAIRS

38 CFR Part 21

RIN 2900–AP72

Veterans Employment Pay for Success Grant Program

AGENCY: Department of Veterans Affairs.

ACTION: Interim final rule.

SUMMARY: The Department of Veterans Affairs (VA) is establishing a grant program (Veterans Employment Pay for Success (VEPFS)) under the authority of the U.S.C. to award grants to eligible entities to fund projects that are successful in accomplishing employment rehabilitation for Veterans with service-connected disabilities. VA will award grants on the basis of an eligible entity's proposed use of a Pay for Success (PFS) strategy to achieve goals. This interim final rule establishes regulations for awarding a VEPFS grant, including the general process for awarding the grant, criteria and parameters for evaluating grant applications, priorities related to the award of a grant, and general requirements and guidance for administering a VEPFS grant program.

DATES: *Effective Date:* This rule is effective on August 10, 2016.

Comment Date: Comments must be received on or before October 11, 2016.

ADDRESSES: Written comments may be submitted through *www.Regulations.gov;* by mail or hand-delivery to Director, Regulation Policy and Management (02REG), Department of Veterans Affairs, 810 Vermont Avenue NW., Room 1068, Washington, DC 20420; or by fax to (202) 273–9026. Comments should indicate that they are submitted in response to "RIN 2900–AP72—Veterans Employment Pay for Success Grant Program." Copies of comments received will be available for public inspection in the Office of Regulation Policy and Management, Room 1068, between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday (except holidays). Please call (202) 461–4902 for an appointment. (This is not a toll-free number.) In addition, during the comment period, comments may be viewed online through the Federal Docket Management System (FDMS) at *www.Regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Patrick Littlefield, Director, VA Center for Innovation, Department of Veterans Affairs, (08), 810 Vermont Ave. NW., Washington, DC, (202) 256–7176. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: VA's Vocational Rehabilitation & Employment (VR&E) Service provides services and assistance necessary to enable Veterans with compensable service-connected disabilities and employment barriers to achieve maximum independence in daily living and, to the maximum extent feasible, to become employable and to obtain and maintain suitable employment. (A Veteran with a noncompensable service-connected disability is not entitled to vocational rehabilitation services and assistance under chapter 31 of title 38, United States Code. *See* 38 U.S.C. 3102.) Section 3119 of title 38, United States Code, authorizes the Secretary of Veterans Affairs (Secretary) to make grants to or contract with public or nonprofit agencies, including institutions of higher learning, to advance "the knowledge, methods, techniques, and resources available for use in rehabilitation programs for veterans." Section 3119 specifically authorizes the Secretary to make grants to such agencies to conduct or provide support for projects which are "designed to increase the resources and potential for accomplishing the rehabilitation of disabled veterans." (See also implementing regulation at 38 CFR 21.390.)

PFS is a strategy for successfully attaining positive social or environmental outcomes by paying for an intervention to achieve such outcomes only after the intervention produces these outcomes. Using a PFS strategy, a party to an agreement agrees to pay for services for specific people or communities in need of particular services only if and when an agreed-upon set of outcomes related to meeting the people's or communities' needs has been achieved or a level of impact has been verified. Instead of funding services regardless of the results, payments are made only if interventions achieve the outcomes agreed upon in advance. For example, instead of paying for the provision of job training without knowing whether such training will have a successful result, an entity might use a PFS strategy to pay for the provision of job training only when individuals gain stable employment in good jobs. When the party committed to pay for outcomes is a Government entity, taxpayers will not have to pay for ineffective services. However, the party that provides services may not have the funding for the services before outcomes are measured. PFS agreements can incorporate PFS financing, sometimes referred to as "social impact bonds," to cover the costs of the services until success is achieved and payments are due. PFS financing involves third-party, independent investors that provide the financing necessary to carry out the intervention. In addition, a PFS model typically involves a project coordinator or intermediary to facilitate and manage the project, a service provider to deliver the intervention, and an independent evaluator to determine whether the intervention achieves the desired outcomes.

There is a need to find new, innovative methods for rehabilitating Veterans with compensable service-connected disabilities (as defined in 38 CFR 3.1(k)) who qualify for benefits under VA's VR&E program so that they become employable and are ultimately able to obtain and maintain suitable employment. Through PFS grant programs, which may serve various Veteran populations including those Veterans with noncompensable service-connected disabilities who do not qualify for VR&E benefits, we hope to obtain information to establish new, innovative methods for rehabilitating Veterans who qualify for VR&E benefits. PFS offers an economical mechanism, which can save taxpayers' money, for exploring the resources and techniques that are available for rehabilitating Veterans with service-connected disabilities with regard to employment. We interpret the authority in Sec. 3119 to award grants to conduct or provide support for projects which are designed to increase the potential for accomplishing the rehabilitation of disabled Veterans broadly, to allow for the funding of projects that serve Veterans with either compensable or noncompensable service-connected disabilities. By funding projects that serve Veterans with either compensable or noncompensable service-connected disabilities, there is increased potential to discover new techniques and resources for use in VA's VR&E program to enable Veterans who qualify for VR&E services to become employable and to obtain and maintain suitable employment.

Accordingly, under the authority of Sec. 3119, VA will award grants to eligible entities that will become "outcomes payors," to administer payment for outcomes of interventions that are successful in accomplishing employment rehabilitation for Veterans with service-connected disabilities. In other words, VA will fund outcomes of projects that achieve favorable employment outcomes related to success in the ability or potential to secure or sustain stable employment or to achieve increased earnings of Veterans with service-connected disabilities. The funding will be referred to as "outcomes payments" and the grant known as the "Veterans Employment Pay for Success (VEPFS)" grant. This interim final rule establishes regulations for awarding a VEPFS grant, including the general process for awarding the grant, criteria and parameters for evaluating grant applications, priorities related to the award of a grant, and general requirements and guidance for administering a VEPFS grant program.

§ 21.440 Purpose and Scope.

Section 21.440 sets forth the purpose of a VEPFS grant program and explains what the program provides. This section indicates that VA may provide a grant to an eligible entity to fund outcomes payments for a project that achieves favorable employment outcomes for Veterans with service-connected disabilities. There is a need to find new and innovative methods for rehabilitating Veterans with compensable service-connected disabilities with regard to employment and, as noted above, the VEPFS grant program offers an economical mechanism, which can save taxpayers' money, for exploring the resources and techniques that may be available to address that need.

§ 21.441 Definitions.

Section 21.441 defines terms used in §§ 21.440–21.449 and any Notices of Funding Availability (NOFA) issued pursuant to §§ 21.440–21.449. The definitions are set out in the regulatory text, but we elaborate on some of them as follows:

"Eligible entity" is defined as a public or nonprofit agency, to include institutions of higher learning. Section 3119 of title 38, United States Code, provides authorization to make grants to public or nonprofit agencies, including institutions of higher learning. We interpret the term "nonprofit agency," as used in Sec. 3119, to include tax-exempt, incorporated or unincorporated organizations that serve the public interest and generally have a charitable, educational, scientific, religious, or literary goal. We interpret the term "public agency", as used in Sec. 3119, to include the government of the United States or of a State or political subdivision of a State.

"Employment outcome" is defined as the employment or earnings of a participant in the intervention or control group member after the service period. The VEPFS program will measure certain outcomes, including competitive employment, skill development, achieving a sustained period of employment, wage-earnings, and achieving employment that aligns with the interests and aptitude of the job seeker. Improving employment outcomes means creating positive impact in terms of these outcomes, where the results for individuals that receive the intervention are better than the results for a valid control group that did not receive the intervention.

"Intervention" is defined as a service or technology that is provided to individuals and intended to achieve certain results. Examples of service interventions or technological interventions to improve Veteran employment outcomes include, but are not limited to, support services, employment coaching, mental health treatment, vocational training, occupational therapy, community engagement, and outreach.

"Project partnership" is defined as a collaboration among entities that negotiate an agreement and execute a project to improve employment outcomes for Veterans with service-connected disabilities. For the purpose of the VEPFS grant program, a project partnership is not a distinct legal entity. Section 21.441 includes definitions for the entities that may be involved in a project partnership.

"Social finance strategy" is defined as a method for securing financial resources using an investment approach that focuses on achieving positive social and/or environmental impact with some form of financial return. Examples of social finance strategies include: (1) Matching taxpayer dollars with non-government contributions to extend the impact of not-for-profit organizations; (2) simplifying access to government funding for community organizations and institutions of higher learning.

"Strong evidence" is defined as results from previous studies, the designs of which can support causal conclusions (*i.e.,* studies with high internal validity), which include enough of the range of participants and settings to support scaling up to the state, regional, or national level (*i.e.,* studies with high external validity). The following are examples of strong evidence: (1) More than one well-designed and well-implemented experimental study or well-designed and well-implemented quasi-experimental study that supports the effectiveness of the practice, strategy, or program; or (2) one large, well-designed and well-implemented randomized controlled, multisite trial that supports the effectiveness of the practice, strategy, or program.

"Work-plan" is defined as a document that articulates tasks and milestones with regard to a particular project. A work plan contains a detailed overview of all activities that will be undertaken to complete a project, and the goals, objectives, outcomes, responsible parties, and timeline for each task of a project, which collectively serve as the roadmap for execution of project tasks.

§ 21.442 VEPFS Grants—General.

Section 21.442 provides general information pertaining to VEPFS grants. Section 21.442(a) establishes that only an eligible entity may receive a VEPFS grant. Section 21.442(b) establishes that the available grant funding amount will be specified in the NOFA. The amount of funding VA may provide in a VEPFS grant is not limited by or otherwise specified in statute. In addition, VA may combine its funds with funds of another Federal entity to increase the amount available for a VEPFS project. VA will determine the amount of funding available for an individual VEPFS project, including any contributions from another Federal agency, on a case-by-case basis and will announce the amount of available grant funding for that VEPFS project in the applicable NOFA. Section 21.442(c) states that the period for a VEPFS grant will be a minimum of 5 years and a pre-determined maximum number of years, as specified in the NOFA, beginning on the date on which the VEPFS grant is awarded, with the availability of no-cost extensions. At the end of the pre-determined maximum period, the effectiveness of the project will be assessed to determine the project's success. Five years is the minimum length of time necessary to maximize the effectiveness of a project and obtain meaningful data on a project's success through periodic reporting. This timeframe allows 1 year to develop, refine and launch the project, 3 years for service delivery to produce outcomes and data, and 1 year for a thorough evaluation of outcomes. Section 21.442(d) specifies that a recipient must provide matching funds from non-Federal sources that are at least equal to or greater than the amount of Federal grant funds awarded, which will be combined with the amount of Federal grant funds awarded to be used to fund the proposed PFS project as a condition of receiving a VEPFS grant. Requiring matching funds increases the amount of available funding for VEPFS projects. Section 21.442(e) specifies that a VEPFS grant is not a Veterans' benefit, and, therefore, any decisions of the Secretary as to whether to award a VEPFS grant are final and not subject to the same rights of appeal as decisions related to Veterans' benefits.

§ 21.443 Permissible Uses of VEPFS Grant Funds.

Section 21.443(a) specifies that VEPFS grant funds may be used to make outcomes payments only if an intervention achieves outcomes at a pre-set level that has been agreed to in a PFS agreement before service delivery begins for a PFS project with a goal to improve employment outcomes for Veterans with service-connected disabilities. As stated above, the reason for using a PFS strategy is to avoid using taxpayer dollars for ineffective services and therefore save taxpayer money. VA is specifically funding PFS projects that aim to improve employment outcomes for Veterans with service-connected disabilities to carry out Congress' intention that VA "advance the knowledge, methods, techniques, and resources available for use in rehabilitation programs for veterans" and increase the "potential for accomplishing the rehabilitation of disabled veterans."

In addition, to cover the indirect costs of administering the grant (costs associated with general administration and expenses), § 21.443(b) allows a recipient to use a Federally approved indirect cost rate (a rate already negotiated with the Federal Government), use a 10% de minimis rate of modified total direct costs, negotiate an indirect cost rate for the first time, or claim certain costs directly following 2 CFR 200.413 so as to not limit the pool of eligible applicants to entities that will use a particular permissible option. This is consistent with regulatory guidance to Federal agencies that provide grant awards to non-Federal entities, including States, local governments, Indian tribes, institutions of higher education, and non-profit organizations issued by the Office of Management and Budget (OMB) and codified in in part 200 of title 2 of the Code of Federal Regulations. 2 CFR 200.414; *see also* 2 CFR 200.69. These administrative costs may be claimed before outcomes are measured and regardless of whether outcomes are achieved at pre-set levels.

§ 21.444 Notice of Funding Availability.

Section 21.444 states that when funds are available to award a VEPFS grant, VA will publish a NOFA announcing the funding opportunity in the **Federal Register** and on *Grants.gov* (*http://www.grants.gov*) providing specific details about the opportunity. Section 21.444, in paragraphs (a)–(f), lists generally the information the NOFA will include. Section 200.203 of title 2, Code of Federal Regulations, requires the issuance of a NOFA, which includes specific identifying information, information describing the funding opportunity, and information regarding the award, eligibility, application, application review, and Federal award administration. OMB requires the issuance of a NOFA and publication of this information to ensure that eligible entities have the information required to apply for grants.

§ 21.445 Application.

Section 21.445 identifies VEPFS grant application procedures and the information required to constitute a complete application package. This section requires eligible entities to submit a complete grant application package, in accordance with instructions provided in the NOFA through *Grants.gov* (*http://www.grants.gov*) to apply for a VEPFS grant. Use of this Web site is the easiest and most efficient way to process grant applications. Furthermore, eligible entities submitting an application for a VEPFS grant will likely be familiar with this Web site. In describing the information a complete application package must contain, paragraph (a) requires the complete application to contain a project description, including a description of the intervention, the Veteran population to be served, and anticipated employment outcomes. VA needs this information to determine whether the project proposed has a reasonable chance of providing positive employment outcomes for Veterans with service-connected disabilities. Paragraph (b) requires the complete application to contain a description of the anticipated project partnership(s), including the responsibilities of each of the partner entities, the experience of any involved entities with serving Veteran populations, and other qualifications of the involved entities that may be relevant in carrying out responsibilities of the project partnership. VA needs this information to assess the likelihood of success an applicant will have carrying out a VEPFS project. In addition, paragraph (b) informs applicants that, in procuring partners such as the project coordinator and investor, procurement standards set forth in 2 CFR 200.317–200.326 must be followed. Paragraph (c) requires the complete application to include a work plan with a budget and timelines. These disclosures will help reviewers assess how close the project is to beginning to provide services and the extent to which an applicant has considered all aspects of planning. Paragraph (d) requires the complete application to contain a description of applicant's expertise or experience with PFS or other social finance strategies or experience administering programs that serve Veterans with disabilities. Paragraph (e) requires the complete application to include documentation of an applicant's ability and capacity to administer the project. Having the information obtained from the requirements of paragraphs (d) and (e) will also allow VA to assess the likelihood of success of a VEPFS project. Paragraph (f) requires the complete application to include proof of matching funds already secured, the applicant's ability to secure matching funds, or commitments of matching funds the applicant has received. Reviewers need this documentation to confirm an applicant's ability to meet the VEPFS grant funding requirements. Paragraph (g) requires that the complete application contain any additional information VA deems appropriate and sets out in the NOFA so that VA can tailor the NOFA as necessary.

§ 21.446 Scoring and Selection.

Section 21.446(a) states that VA will score only complete applications received from eligible entities by the deadline established in the NOFA and identifies the criteria to be used in selecting a recipient. Selection of a recipient will be based on the likelihood of successful implementation of the project and the likelihood that the project will meet objectives. The information described in § 21.446(a) will allow VA to make such determination regarding the likelihood of project success.

Section 21.446(b) indicates that NOFA announcements may clarify the selection criteria in paragraph (a) and will specify the relative weight (point value) assigned for each selection criterion according to the criterion's importance in ensuring the successful development and implementation of a VEPFS project and that eligible entities will be ranked in order from highest to lowest total score. This section also indicates that VA will award any VEPFS grant on the primary basis of scores but will also consider a risk assessment evaluation.

§ 21.447 VEPFS Grant Agreement.

Section 21.447 states that VA will draft a grant agreement for execution between VA and the applicant selected to receive a VEPFS grant, and VA will obligate the grant funds to cover the amount of the approved grant, subject to the availability of funding, upon execution of the agreement. This section also states that the VEPFS grant agreement will provide that the recipient agrees (and will ensure that any subcontractors agree) to: Operate the program in accordance with the provisions of §§ 21.440–21.449, 2 CFR part 200, and the applicant's VEPFS grant application; comply with such other terms and conditions, including recordkeeping and reports for program monitoring and evaluation purposes, as VA may establish for purposes of carrying out the VEPFS program in an effective and efficient manner; and provide any additional information VA requests in the manner and timeframe VA specifies. Part 200 provides uniform guidance and government-wide terms and conditions for the management of awards and the administration of Federal grants, and this rulemaking provides additional guidance and conditions for the administration of VEPFS grants in particular. Adherence to the government-wide rules is mandatory and compliance with the additional rules specific to VEPFS grants will ensure program integrity across any VEPFS grants VA awards. In addition, timely and accurate reporting is critical to allow VA to evaluate the VEPFS program.

§ 21.448 Recipient Reporting Requirements.

Section 21.448 requires recipients to submit a quarterly report 30 days after the close of each Federal fiscal quarter of the grant period that includes a detailed record of the time involved and resources expended administering the VEPFS program; the number of Veterans served, including demographics of this population; the types of employment assistance provided; a full accounting of VEPFS grant funds used or unused during the quarter; a comparison of accomplishments related to the objectives of the award; an explanation for any goals not met; and an analysis and explanation for any cost overruns. With such information, VA can effectively analyze program performance and ensure that a recipient is using grant funds in accordance with the grant agreement. In addition, § 21.448 requires recipients to provide additional reports if necessary to allow VA to assess program accountability and effectiveness on an ongoing basis.

§ 21.449 Recovery of Funds.

Section 21.449 specifies that VA can impose additional conditions as specified in 2 CFR 200.207 if a recipient fails to comply with any Federal statutes or regulations or the terms and conditions of an award made under §§ 21.440–21.449. Section 21.449 also allows VA to take any appropriate actions specified in 2 CFR part 200 as remedies for non-compliance if non-compliance cannot be remedied. These measures help safeguard Federal funds and ensure appropriate use of the VEPFS grant funds awarded.

Administrative Procedure Act

In accordance with 5 U.S.C. 553(b)(B) and (d)(3), the Secretary finds that there is good cause to dispense with the opportunity for prior notice and comment and good cause to publish this rule with an immediate effective date. The Secretary finds that it is impracticable and contrary to the public interest to delay this rule for the purpose of soliciting prior public comment or to have a delayed effective date. As stated above, the Secretary is issuing this rule because there is a need to find new methods for rehabilitating Veterans with service-connected disabilities so that they become employable and are able to obtain and maintain suitable employment. This rulemaking provides the opportunity for the discovery of new methods for rehabilitating Veterans with service-connected disabilities with regard to employment using a strategy that will save taxpayer money. However, the funding for a grant which would be awarded based on a NOFA to be published concurrently with this interim final rule, and which will be used to fund a project that achieves favorable employment outcomes for Veterans with a service-connected disability of post-traumatic stress disorder, is available only in this current fiscal year and must be obligated by September 30, 2016, if it is to be used for such purpose. To provide sufficient time to obligate the funds by September 30, 2016, the regulations established by this rulemaking must be in effect by August 9, 2016. Failure to obligate the funds by September 30, 2016, will cause the funds to expire.

Because this interim final rule will serve an important Veterans' need in an economical way, which would not be possible if publication were to be delayed, the Secretary finds that it is impracticable and contrary to the public interest to delay this rule for the purpose of soliciting advance public comment or to have a delayed effective date. Accordingly, VA is issuing this rule as an interim final rule with an immediate effective date. We will consider and address any comments received within 60 days of the date this interim final rule is published in the **Federal Register**.

Executive Orders 12866 and 13563

Executive Orders 12866 and 13563 direct agencies to assess the costs and benefits of available regulatory alternatives and, when regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, and other advantages; distributive impacts; and equity). Executive Order 13563 (Improving Regulation and Regulatory Review) emphasizes the importance of quantifying both costs and benefits, reducing costs, harmonizing rules, and promoting flexibility. Executive Order 12866 (Regulatory Planning and Review) defines a "significant regulatory action" requiring review by OMB, unless OMB waives such review, as "any regulatory action that is likely to result in a rule that may: (1) Have an annual effect on the economy of $100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities; (2) Create a serious inconsistency or otherwise interfere with an action taken or planned by another agency; (3) Materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or (4) Raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in the Executive Order."

The economic, interagency, budgetary, legal, and policy implications of this regulatory action have been examined, and it has been determined not to be a significant regulatory action under Executive Order 12866. VA's impact analysis can be found as a supporting document at *http://www.regulations.gov*, usually within 48 hours after the rulemaking document is published. Additionally, a copy of the rulemaking and its impact analysis are available on VA's Web site at *http://www.va.gov/orpm/*, by following the link for "VA Regulations Published From FY 2004 Through Fiscal Year to Date."

Paperwork Reduction Act

This interim final rule includes provisions constituting collections of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3521) that require approval by OMB. Specifically, sections 21.445, 21.447, and 21.448 contain collections of information under the Paperwork Reduction Act of 1995. VA has submitted the following information collection request to OMB for review and clearance in accordance with the emergency review procedures of the Paperwork Reduction Act of 1995. The proposed information collection is published to obtain comments from the public and affected agencies. An emergency approval under the Paperwork Reduction Act is only valid for 180 days. Comments should be directed to OMB, Office of Information and Regulatory Affairs, Attention: Department of Veterans Affairs Desk Officer, Washington, DC 20530, with copies sent by mail or hand delivery to the Director, Regulation Policy and Management (02REG), Department of Veterans Affairs, 810 Vermont Avenue NW., Room 1068, Washington, DC 20420; fax to (202) 273–9026; email to *www.Regulations.gov*. Comments should indicate that they are submitted in response to "RIN 2900–AP72."

A regular review of this information collection will also be undertaken and announced in a future **Federal Register** notice indicating approval of this collection of information under the emergency review procedures of the Paperwork Reduction Act. All comments and suggestions, or questions regarding additional information, including obtaining a copy of the proposed information collection instrument with instructions, should be directed to Patrick Littlefield, Director, VA Center for Innovation, Department of Veterans Affairs, (08), 810 Vermont Ave. NW., Washington, DC, (202) 256–7176. We request written comments and suggestions from the public and affected agencies concerning the proposed emergency collection of information.

The Department considers comments by the public on proposed collections of information in—

- Evaluating whether the proposed collections of information are necessary for the proper performance of the functions of the Department, including whether the information will have practical utility;
- Evaluating the accuracy of the Department's estimate of the burden of the proposed collections of information, including the validity of the methodology and assumptions used;
- Enhancing the quality, usefulness, and clarity of the information to be collected; and
- Minimizing the burden of the collections of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.*, permitting electronic submission of responses.

The collections of information contained in 38 CFR 21.445, 21.447, and 21.448 are described immediately following this paragraph, under their respective titles.

Title: Grant Applications.

- *Summary of collection of information:* The new collection of information in proposed 38 CFR 21.445 would require applicants to submit a complete VEPFS grant application.
- *Description of need for information and proposed use of information:* The collection of information is necessary to award grants to eligible entities. VA will use this information to decide whether an applicant meets the requirements and satisfies the scoring criteria for award of VEPFS grants under 38 U.S.C. 3119.
- *Description of likely respondents:* Public and non-profit entities, including institutions of higher learning, that have an interest in serving Veterans with service-connected disabilities.
- *Estimated number of respondents:* 25 in FY 2016; 25 in FY 2017; 25 in FY 2018.
- *Estimated frequency of responses:* This is a one-time collection.
- *Estimated average burden per response:* 80 hours.

- *Estimated total annual reporting and recordkeeping burden:* 2,000 hours in FY 2016; 2,000 hours in FY 2017; 2,000 hours in 2018.

Title: Quarterly Fiscal Reports.

- *Summary of collection of information:* The new collection of information in proposed 38 CFR 21.447(a)(1) and 21.448(a) would require each recipient to agree in the grant agreement to submit quarterly reports, which would include detailed records of the time expended and employment outcomes accomplished in the provision of VEPFS activities, accounting of how the grant funds were used.
- *Description of need for information and proposed use of information:* The collection of information is necessary to determine compliance with the requirements for a grant.
- *Description of likely respondents:* Public and non-profit entities, including institutions of higher learning, that have an interest in serving Veterans with service-connected disabilities.
- *Estimated number of respondents:* 1 in FY 2017, up to 10 in FY 2018, up to 10 in FY 2019.
- *Estimated frequency of responses:* 4 quarterly reports per year for 5 years.
- *Estimated average burden per response:* 1 hour.
- *Estimated total annual reporting and recordkeeping burden:* 4 hours in FY 2017, 44 hours in FY 2018, 84 hours in FY 2019, 84 hours in 2020, 84 hours in 2021, 80 hours in 2022, 40 hours in 2023.

The regulatory terms also authorize VA to impose additional recordkeeping or reporting requirements as defined in the Terms and Conditions of the grant agreement (38 CFR 21.447(a)(2)), request additional information as defined in the Terms and Conditions of the grant agreement (38 CFR 21.447(a)(3)), and request additional reports in the Terms and Conditions of the grant agreement if necessary to fully and effectively assess program accountability and effectiveness (38 CFR 21.448(b)). Because these information collection requirements will depend on the terms and conditions of the grant agreement for a particular funding opportunity, VA is not seeking emergency approval for these regulatory provisions at this time. Rather, VA will more clearly define and articulate these potential record-keeping and reporting requirements when it submits the PRA package when it undertakes a regular review of this collection.

Regulatory Flexibility Act

The Secretary hereby certifies that this interim final rule will not have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act, 5 U.S.C. 601–612. The Secretary estimates that, for any VEPFS grant program, no more than ten non-renewable grants will be awarded. For each grant awarded, usually one of each, but no more than a few, outcomes payors, project coordinators, evaluators, investors, and service providers will be involved with the grant program. The goal of these grants is to rehabilitate Veterans with service-connected disabilities with regard to employment. Thus, an insubstantial number of small entities will be affected by this interim final rule and, accordingly, there will not be a significant economic impact on such affected entities. Therefore, pursuant to 5 U.S.C. 605(b), this rule is exempt from the initial and final regulatory flexibility analysis requirements of sections 603 and 604.

Unfunded Mandates

The Unfunded Mandates Reform Act of 1995 requires, at 2 U.S.C. 1532, that agencies prepare an assessment of anticipated costs and benefits before issuing any rule that may result in the expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of $100 million or more (adjusted annually for inflation) in any one year. This interim final rule will have no such effect on State, local, and tribal governments, or on the private sector.

Catalog of Federal Domestic Assistance

The Catalog of Federal Domestic Assistance number and title for the program affected by this document is 64.116, Vocational Rehabilitation for Disabled Veterans.

Signing Authority

The Secretary of Veterans Affairs, or designee, approved this document and authorized the undersigned to sign and submit the document to the Office of the Federal Register for publication electronically as an official document of the Department of Veterans Affairs. Robert D. Snyder, Chief of Staff, Department of Veterans Affairs, approved this document on July 11, 2016, for publication.

Dated: August 3, 2016.

Jeffrey Martin,

Office Program Manager, Office of Regulation Policy & Management Office of the Secretary, Department of Veterans Affairs.

List of Subjects in 38 CFR Part 21

Administrative practice and procedure, Armed forces, Civil rights, Claims, Colleges and universities, Conflict of interests, Education, Employment, Grant programs—education, Grant programs—veterans, Health care, Loan programs—education, Loan programs—veterans, Manpower training programs, Reporting and recordkeeping requirements, Schools, Travel and transportation expenses, Veterans, Vocational education, Vocational rehabilitation.

For the reasons stated in the preamble, VA amends 38 CFR part 21, subpart A as follows:

PART 21—VOCATIONAL REHABILITATION AND EDUCATION

Subpart A—Vocational Rehabilitation and Employment Under 38 U.S.C. Chapter 31

■ 1. The authority citation for part 21, subpart A, continues to read as follows:

Authority: 38 U.S.C. 501(a), chs. 18, 31, and as noted in specific sections.

■ 2. Add an undesignated center heading and §§ 21.440 through 21.449 to subpart A to read as follows:

Veterans Employment Pay for Success Grant Program

Sec.

21.440 Purpose and scope.
21.441 Definitions.
21.442 VEPFS grants—general.
21.443 Permissible uses of VEPFS grant funds.
21.444 Notice of funding availability.
21.445 Application.
21.446 Scoring and selection.
21.447 VEPFS grant agreement.
21.448 Recipient reporting requirements.
21.449 Recovery of funds.

§ 21.440 Purpose and scope.

Sections 21.440 through 21.449 establish and implement the Veterans Employment Pay for Success (VEPFS) grant program, which provides grants to eligible entities to fund outcomes payments for projects that are successful in accomplishing employment rehabilitation for Veterans with service-connected disabilities. These sections apply only to the administration of the VEPFS grant program, unless specifically provided otherwise.

(Authority: 38 U.S.C. 501(d), 3119)

§ 21.441 Definitions.

For the purposes of §§ 21.440 through 21.449, and any Notices of Funding Availability (NOFA) issued pursuant to §§ 21.440 through 21.449, the following definitions apply:

Applicant is an eligible entity that submits an application for a VEPFS grant announced in a NOFA.

Eligible entity is a public or nonprofit agency, to include institutions of higher learning.

Employment outcome is the employment or earnings of a participant in the intervention or control group member after the service period. Improving employment outcomes means creating positive impact in terms of these outcomes, where the results for individuals that receive the intervention are better than the results for a valid control group that did not receive the intervention.

Intervention is a service or technology that is provided to individuals and is intended to achieve certain results.

Outcomes payments are funds that are paid to an investor or service provider and that are released only for the achievement of outcomes, as compared to those of a control group, that meet target levels that have been agreed to in advance of the provision of intervention (*i.e.,* if positive impact has been created by the intervention in terms of these outcomes). When investors have provided the upfront capital for the project, these payments generally cover repayment of the principal investment and provide a modest return on investment for any associated risks of paying for the intervention upfront.

Pay for Success (PFS) agreement is a multi-party agreement to deliver an innovative or evidence-based intervention intended to improve outcomes for a targeted population signed by the entities that constitute the project partnership.

Project partnership is a collaboration among entities that negotiate an agreement and execute a project to improve employment outcomes for Veterans with service-connected disabilities. The entities that may be involved in a project partnership include:

(1)(i) *Outcomes payor.* Entity that receives a VEPFS grant and pays for outcomes of services that meet target levels that have been agreed to in advance of the provision of the intervention.

(ii) *Project coordinator.* Facilitates, coordinates, and executes a PFS agreement to improve employment outcomes for Veterans with service-connected disabilities. With respect to other PFS projects, project coordinators are sometimes referred to as intermediaries.

(iii) *Evaluator.* Independent entity that determines the impact of the services provided, including whether the services have resulted in employment outcomes that meet target levels that have been agreed to in advance of the provision of the intervention.

(iv) *Investor.* Person or entity that provides upfront capital to cover costs of providing services/delivering an intervention and other associated costs before a determination has been made as to whether certain employment outcomes have been achieved at pre-set target levels.

(v) *Service provider.* Entity that delivers an intervention designed to achieve improved employment outcomes for Veterans with service-connected disabilities.

(2) A full project partnership is a project partnership that includes an outcomes payor, evaluator, investor (if the PFS agreement involves PFS financing), and service provider. A partial project partnership includes an outcomes payor and at least one of the following: Evaluator, investor (if the PFS agreement involves PFS financing), or service provider.

Recipient is the entity that receives a VEPFS grant under §§ 21.440 through 21.449. The recipient is also the outcomes payor.

Secretary refers to the Secretary of Veterans Affairs.

Service-connected disability is a disability that is "service-connected" as defined in 38 CFR 3.1.

Social finance strategy is a method for securing financial resources using an investment approach that focuses on achieving positive social and/or environmental impact with some form of financial return.

Strong evidence constitutes results from previous studies, the designs of which can support causal conclusions (*i.e.,* studies with high internal validity), that include enough of the range of participants and settings to support scaling up to the state, regional, or national level (*i.e.,* studies with high external validity).

Veteran has the same definition as provided in 38 CFR 3.1.

Veterans Employment Pay for Success (VEPFS) agreement is a PFS agreement to deliver an innovative, evidence-based intervention intended to improve Veteran employment outcomes.

Veterans Employment Pay for Success (VEPFS) project is a project with a strategy for delivering a service with a goal to significantly improve a current condition with respect to unemployment of a target Veteran population and sufficient evidence to support the theory behind the project using a financial model that includes cost savings by funding the project only if it is successful.

Work-plan is a document that articulates tasks and milestones with regard to a particular project.

(Authority: 38 U.S.C. 3119)

§ 21.442 VEPFS grants—general.

(a) VA may award a VEPFS grant only to an eligible entity selected under § 21.446.

(b) The amount of Federal funding available to be awarded in a VEPFS grant will be specified in the NOFA.

(c) A VEPFS grant will be awarded for a minimum of 5 years and a pre-determined maximum number of years, beginning on the date on which the VEPFS grant is awarded, with the availability of no-cost extensions.

(d) As a condition of receiving a VEPFS grant, a recipient will be required to provide matching funds from non-Federal sources equal to or greater than the amount of Federal grant funds awarded, to be combined with the amount of Federal grant funds awarded and used as specified in § 21.443.

(e) A VEPFS grant award is not a Veterans' benefit. Decisions of the Secretary are final and not subject to the same appeal rights as decisions related to Veterans' benefits.

(Authority: 38 U.S.C. 3119)

§ 21.443 Permissible uses of VEPFS grant funds.

(a) VEPFS grant funds may be used only to fund outcomes payments if an intervention achieves outcomes at a pre-set target level that has been agreed to in a PFS agreement before service delivery begins for a PFS project with a goal to improve employment outcomes for Veterans with service-connected disabilities.

(b) To pay for the indirect costs of administering a grant, regardless of whether an intervention achieves outcomes at a pre-set target level, a recipient may:

(1) Use a Federally approved indirect cost rate (a rate already negotiated with the Federal Government);

(2) Use a 10% de minimis rate of modified total direct costs;

(3) Negotiate an indirect cost rate for the first time; or

(4) Claim certain costs directly following 2 CFR 200.413.

(Authority: 38 U.S.C. 3119, 2 CFR 200.414)

§ 21.444 Notice of funding availability.

When funds are available for a VEPFS grant, VA will publish a NOFA in the **Federal Register** and on *Grants.gov* (*http://www.grants.gov*). The NOFA will identify:

(a) The location for obtaining grant applications and the specific forms that will be required;

(b) The date, time, and place for submitting completed grant applications;

(c) The total amount and type of funds available and the maximum amount available to a single applicant;

(d) Information regarding eligibility and the scoring process;

(e) Any timeframes and manner for payments under the grant; and

(f) Other information necessary for the VEPFS grant application process, as determined by VA, including contact information for the VA office that will oversee the VEPFS grant.

(Authority: 38 U.S.C. 501(d), 3119)

§ 21.445 Application.

To apply for a VEPFS grant, eligible entities must submit to VA a complete application package in accordance with the instructions in the NOFA and include the forms specified in the NOFA. Applications will be accepted only through *Grants.gov* (*http://www.grants.gov*). A complete grant application package, as further described in the NOFA, includes standard forms specified in the NOFA and the following:

(a) Project description, including a description of the intervention, the Veteran population to be served, and anticipated employment outcomes;

(b) Description of anticipated project partnership(s), including the responsibilities of each of the partner entities, the experience of any involved entities with serving Veteran populations, and other qualifications of the involved entities that may be relevant in carrying out responsibilities of the project partnership. In procuring partners such as the project coordinator and investor, procurement standards set forth in 2 CFR 200.317 through 200.326 must be followed;

(c) A work plan, including a budget and timelines;

(d) Description of applicant's expertise or experience with PFS or other social finance strategies or experience administering programs that serve Veterans with disabilities;

(e) Documentation of applicant's ability and capacity to administer the project;

(f) Proof of matching funds already secured, ability to secure matching funds, or commitments received; and

(g) Any additional information as deemed appropriate by VA and set forth in the NOFA.

(Authority: 38 U.S.C. 3119)

§ 21.446 Scoring and selection.

(a) *Scoring.* VA will score only complete applications received from eligible entities by the deadline established in the NOFA. VA will score applications using the following criteria:

(1) *Project description.* Applicant identifies and describes an intervention that is designed to improve employment outcomes for Veterans with service-connected disabilities through a PFS agreement and demonstrates with strong evidence the ability of the intervention to meet objectives. Project description should explain and justify the need for the intervention, and include concept, size and scope of the project, and the Veteran population to be served.

(2) *Project partnership.* Applicant provides a description of the partnership and the level of partnership (full, partial, or none) attained at the time of application.

(3) *Work plan and budget.* Applicant provides a work plan that describes in detail the timeline for the tasks outlined in the project description and proposed milestones. Applicant provides a budget that specifies amount of outcome payments and indirect and other relevant costs.

(4) *Expertise and capacity.* Applicant provides evidence of its past experience with PFS or other social finance strategies or experience administering programs that serve Veterans with disabilities, and of its ability and capacity to successfully administer the project.

(5) *Match.* Applicant provides evidence of secured cash matching (1:1) funds or of its ability to secure or commitments to receive such funds.

(b) *Selection of recipients.* All complete applications from eligible entities will be scored using the criteria in paragraph (a) of this section and ranked in order from highest to lowest total score. NOFA announcements may also clarify the selection criteria in paragraph (a). The relative weight (point value) for each selection criterion will be specified in the NOFA. Point values will be assigned according to the criterion's importance in ensuring the successful development and implementation of a VEPFS project. VA will award any VEPFS grant on the primary basis of scores but will also consider a risk assessment evaluation.

(Authority: 38 U.S.C. 3119)

§ 21.447 VEPFS grant agreement.

After an applicant is selected to receive a VEPFS grant in accordance with § 21.446, VA will draft a grant agreement to be executed by VA and the applicant. Upon execution of the VEPFS grant agreement, VA will obligate grant funds to cover the amount of the approved grant, subject to the availability of funding. The VEPFS grant agreement will provide that the recipient agrees, and will ensure that each subcontractor (if applicable) agrees, to:

(a) Operate the program in accordance with the provisions of §§ 21.440 through 21.449, 2 CFR part 200, and the applicant's VEPFS grant application;

(b) Comply with such other terms and conditions, including recordkeeping and reports for program monitoring and evaluation purposes, as VA may establish in the Terms and Conditions of the grant agreement for purposes of carrying out the VEPFS program in an effective and efficient manner; and

(c) Provide additional information that VA requests with respect to:

(1) Program effectiveness, as defined in the Terms and Conditions of the grant agreement;

(2) Compliance with the Terms and Conditions of the grant agreement; and

(3) Criteria for evaluation, as defined in the Terms and Conditions of the grant agreement.

(Authority: 38 U.S.C. 501(d), 3119)

§ 21.448 Recipient reporting requirements.

(a) Recipients must submit to VA a quarterly report 30 days after the close of each Federal fiscal quarter of the grant period. The report must include the following information:

(1) A detailed record of the time involved and resources expended administering the VEPFS program.

(2) The number of Veterans served, including demographics of this population.

(3) The types of employment assistance provided.

(4) A full accounting of VEPFS grant funds used or unused during the quarter.

(5) A comparison of accomplishments related to the objectives of the award.

(6) An explanation for any goals not met.

(7) An analysis and explanation for any cost overruns.

(b) VA may request additional reports in the Terms and Conditions of the grant agreement if necessary to allow VA to fully and effectively assess program accountability and effectiveness.

(Authority: 38 U.S.C. 501(d), 3119, 2 CFR 200.327–200.328)

§ 21.449 Recovery of funds.

If a recipient fails to comply with any Federal statutes or regulations or the terms and conditions of an award made under §§ 21.440 through 21.449, VA may impose additional conditions as specified in 2 CFR 200.207 or, if non-compliance cannot be remedied, take any appropriate actions specified in 2

CFR part 200 as remedies for noncompliance.

(Authority: 38 U.S.C. 501(d), 3119, 2 CFR 200.338 through 200.342)

[FR Doc. 2016–18721 Filed 8–9–16; 8:45 am]

BILLING CODE 8320–01–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 60

[EPA–HQ–OAR–2010–0505; FRL–9950–34–OAR]

Reconsideration of the Oil and Natural Gas Sector: New Source Performance Standards; Final Action

AGENCY: Environmental Protection Agency (EPA).

ACTION: Denial of petitions for reconsideration.

SUMMARY: The U.S. Environmental Protection Agency (EPA) is providing notice that it has responded to 11 petitions for reconsideration of the final rule titled "Oil and Natural Gas Sector: New Source Performance Standards and National Emission Standards for Hazardous Air Pollutants Reviews," published in the **Federal Register** on August 16, 2012, and seven petitions for reconsideration of subsequent amendments published in the **Federal Register** on September 23, 2013, and December 31, 2014. The agency previously granted reconsideration of several discrete issues and took final action on reconsideration through documents published in the **Federal Register** on September 23, 2013, December 31, 2014, August 12, 2015, and June 3, 2016. The Administrator denied the remaining requests for reconsideration in separate letters to the petitioners. The basis for the EPA's action is set out fully in a separate document available in the rulemaking docket.

DATES: Effective August 10, 2016.

FOR FURTHER INFORMATION CONTACT: Ms. Lisa Thompson, Sector Policies and Programs Division (E143–05), Office of Air Quality Planning and Standards, Environmental Protection Agency, Research Triangle Park, North Carolina 27711; telephone number: (919) 541–9775; fax number: (919) 541–3470; email address: *thompson.lisa@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. Where can I get a copy of this document and other related information?

A copy of this **Federal Register** notice, the petitions for reconsideration, and the separate document describing the full basis for this action are available in the docket the EPA established under Docket ID No. EPA–HQ–OAR–2010–0505. In addition, following signature, an electronic copy of this final action and the document will be available on the World Wide Web (WWW) at the following address: *https://www3.epa.gov/airquality/oilandgas/actions.html.*

II. Judicial Review

Section 307(b)(1) of the Clean Air Act (CAA) specifies which Federal Courts of Appeal have venue over petitions for review of final EPA actions. This section provides, in part, that "a petition for review of action of the Administrator in promulgating . . . any standard of performance or requirement under section [111] of [the CAA]," or any other "nationally applicable" final action, "may be filed only in the United States Court of Appeals for the District of Columbia."

The EPA has determined that its action denying the petitions for reconsideration is nationally applicable for purposes of CAA section 307(b)(1) because the action directly affects the Oil and Natural Gas Sector: New Source Performance Standards and National Emission Standards for Hazardous Air Pollutants Reviews, which are nationally applicable CAA section 111 standards. Thus, any petitions for review of the EPA's decision to deny petitioners' requests for reconsideration must be filed in the United States Court of Appeals for the District of Columbia Circuit by October 11, 2016.

III. Description of Action

On August 16, 2012, pursuant to CAA section 111(b) of the CAA, the EPA published the final rule titled "Oil and Natural Gas Sector: New Source Performance Standards and National Emission Standards for Hazardous Air Pollutants Reviews." 77 FR 49490. The EPA published subsequent amendments to the rule on September 23, 2013 (78 FR 58416), and December 31, 2014 (79 FR 79018). Following publication of these final rules, the Administrator received petitions for reconsideration of certain provisions of the final rules pursuant to CAA section 307(d)(7)(B).

CAA section 307(d)(7)(B) requires the EPA to convene a proceeding for reconsideration of a rule if a party raising an objection to the rule "can demonstrate to the Administrator that it was impracticable to raise such objection within [the public comment period] or if the grounds for such objection arose after the period for public comment (but within the time specified for judicial review) and if such objection is of central relevance to the outcome of the rule." The requirement to convene a proceeding to reconsider a rule is, thus, based on the petitioner demonstrating to the EPA both: (1) That it was impracticable to raise the objection during the comment period, or that the grounds for such objection arose after the comment period, but within the time specified for judicial review (*i.e.,* within 60 days after publication of the final rulemaking notice in the **Federal Register**, see CAA section 307(b)(1)); and (2) that the objection is of central relevance to the outcome of the rule.

The EPA received 18 petitions for reconsideration of the new source performance standards and subsequent amendments from the following 13 organizations or groups of organizations:

- America's Natural Gas Alliance and the American Exploration and Production Council (ANGA & AXPC)
- American Petroleum Institute (API) (3 petitions)
- California Communities Against Toxics, California Safe Schools, Clean Air Council, Coalition For A Safe Environment, Desert Citizens Against Pollution, Natural Resources Defense Council, and the Sierra Club (Earthjustice)
- Clean Air Council, Clean Air Task Force, Environmental Defense Fund, Group Against Smog and Pollution, the Natural Resources Defense Council, and the Sierra Club
- Gas Processors Association (GPA) (2 petitions)
- Independent Petroleum Association of America, Independent Oil and Gas Association of West Virginia, Inc., Kentucky Oil & Gas Association, Inc., Indiana Oil and Gas Association, Pennsylvania Independent Oil & Gas Association, Ohio Oil and Gas Association, Illinois Oil & Gas Association
- Interstate Natural Gas Association of America
- M-Squared Products & Services, Inc. (M-Squared)
- REM Technology Inc.
- Texas Commission On Environmental Quality (TCEQ)
- Texas Oil & Gas Association (TXOGA) (2 petitions)
- Texas Pipeline Association
- Western Energy Alliance (WEA) (2 petitions)

The EPA previously granted reconsideration of all issues in seven of the petitions and on several discrete issues contained in some of the other petitions it received and took final action on reconsideration through documents published in the **Federal Register** on September 23, 2013, December 31, 2014, August 12, 2015, and June 3, 2016. The EPA has now denied the issues in the remaining 11 petitions as not satisfying one or both of the statutory conditions for compelled reconsideration. We discuss each of the petitions we are denying and the basis for those denials in a separate document titled "Denial of Petitions for Reconsideration of Certain Issues: Oil and Natural Gas New Source Performance Standards (40 CFR part 60, subpart OOOO)." For reasons set out in the document, the remaining issues raised in petitions for review from ANGA & AXPC, API, Earthjustice, GPA, M-Squared, TCEQ, TXOGA, and WEA are denied.[1]

Dated: July 29, 2016.

Gina McCarthy,

Administrator.

[FR Doc. 2016–19029 Filed 8–9–16; 8:45 am]

BILLING CODE 6560–50–P

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[1] The Administrator is also sending an individual letter to each of the petitioners announcing her decision on their petitions.

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 150916863–6211–02]

RIN 0648–XE795

Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Ocean Perch in the Bering Sea and Aleutian Islands Management Area

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Temporary rule; closure.

SUMMARY: NMFS is prohibiting directed fishing for Pacific ocean perch in the Western Aleutian district (WAI) of the Bering Sea and Aleutian Islands management area (BSAI) by vessels participating in the BSAI trawl limited access fishery. This action is necessary to prevent exceeding the 2016 total allowable catch (TAC) of Pacific ocean perch in this area allocated to vessels participating in the BSAI trawl limited access fishery.

DATES: Effective 1200 hrs, Alaska local time (A.l.t.), August 5, 2016, through 2400 hrs, A.l.t., December 31, 2016.

FOR FURTHER INFORMATION CONTACT: Steve Whitney, 907–586–7228.

SUPPLEMENTARY INFORMATION: NMFS manages the groundfish fishery in the BSAI exclusive economic zone according to the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands Management Area (FMP) prepared by the North Pacific Fishery Management Council under authority of the Magnuson-Stevens Fishery Conservation and Management Act. Regulations governing fishing by U.S. vessels in accordance with the FMP appear at subpart H of 50 CFR part 600 and 50 CFR part 679.

The 2016 TAC of Pacific ocean perch, in the WAI, allocated to vessels participating in the BSAI trawl limited access fishery was established as a directed fishing allowance of 161 metric tons by the final 2016 and 2017 harvest specifications for groundfish in the BSAI (81 FR 14773, March 18, 2016).

In accordance with § 679.20(d)(1)(iii), the Regional Administrator finds that this directed fishing allowance has been reached. Consequently, NMFS is prohibiting directed fishing for Pacific ocean perch in the WAI by vessels participating in the BSAI trawl limited access fishery.

After the effective dates of this closure, the maximum retainable amounts at § 679.20(e) and (f) apply at any time during a trip.

Classification

This action responds to the best available information recently obtained from the fishery. The Assistant Administrator for Fisheries, NOAA, (AA) finds good cause to waive the requirement to provide prior notice and opportunity for public comment pursuant to the authority set forth at 5 U.S.C. 553(b)(B) as such a requirement is impracticable and contrary to the public interest. This requirement is impracticable and contrary to the public interest as it would prevent NMFS from responding to the most recent fisheries data in a timely fashion and would delay the closure of the Pacific ocean perch directed fishery in the WAI for vessels participating in the BSAI trawl limited access fishery. NMFS was unable to publish a notice providing time for public comment because the most recent, relevant data only became available as of August 4, 2016. The AA also finds good cause to waive the 30-day delay in the effective date of this action under 5 U.S.C. 553(d)(3). This finding is based upon the reasons provided above for waiver of prior notice and opportunity for public comment.

This action is required by § 679.20 and is exempt from review under Executive Order 12866.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: August 5, 2016.

Emily H. Menashes,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 2016–19000 Filed 8–5–16; 4:15 pm]

BILLING CODE 3510–22–P

Proposed Rules

Federal Register
Vol. 81, No. 154
Wednesday, August 10, 2016

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

FEDERAL TRADE COMMISSION

16 CFR Part 259

Guide Concerning Fuel Economy Advertising for New Automobiles

AGENCY: Federal Trade Commission (''FTC'' or ''Commission'').

ACTION: Extension of deadline for submission of public comments.

SUMMARY: The FTC is extending the deadline for filing public comments on its recent notice seeking comment on proposed revisions to the Guide Concerning Fuel Economy Advertising for New Automobiles (''Fuel Economy Guide'' or ''Guide'').

DATES: Comments must be received on or before September 7, 2016.

ADDRESSES: Interested parties may file a comment online or on paper by following the instructions in the Request for Comment part of the **SUPPLEMENTARY INFORMATION** section below. Write ''Fuel Economy Guide Amendments, R711008'' on your comment, and file your comment online at *https://ftcpublic.commentworks.com/ftc/fueleconomyamendments* by following the instructions on the web-based form. If you prefer to file your comment on paper, write ''Fuel Economy Guide Amendments, R711008'' on your comment and on the envelope, and mail your comment to the following address: Federal Trade Commission, Office of the Secretary, 600 Pennsylvania Avenue NW., Suite CC–5610 (Annex B), Washington, DC 20580, or deliver your comment to the following address: Federal Trade Commission, Office of the Secretary, Constitution Center, 400 7th Street SW., 5th Floor, Suite 5610 (Annex B), Washington, DC 20024.

FOR FURTHER INFORMATION CONTACT: Hampton Newsome, (202) 326–2889, Attorney, Division of Enforcement, Bureau of Consumer Protection, Federal Trade Commission, 600 Pennsylvania Avenue NW., Washington, DC 20580.

SUPPLEMENTARY INFORMATION:

I. Comment Period Extension

The Commission published a notice on June 6, 2016 seeking public comment on proposed revisions to the Guide (81 FR 36216). The Notice set August 8, 2016 as the deadline for filing comments. On July 28, 2016, the Center for Auto Safety and the Consumer Federation of America requested a 30-day extension to the comment period to allow the completion of consumer research to enhance the record in this proceeding.

The Commission agrees that allowing additional time for filing comments would help facilitate a more complete record. Moreover, this extension would not harm consumers because the current Guide will remain in effect during the review process. Therefore, the Commission has decided to extend the comment period to September 7, 2016.

II. Request for Comment

You can file a comment online or on paper. For the Commission to consider your comment, we must receive it on or before September 7, 2016. Write ''Fuel Economy Guide Amendments, R711008'' on your comment. Your comment—including your name and your state—will be placed on the public record of this proceeding, including, to the extent practicable, on the public Commission Web site, at *http://www.ftc.gov/os/publiccomments.shtm.* As a matter of discretion, the Commission tries to remove individuals' home contact information from comments before placing them on the Commission Web site.

Because your comment will be made public, you are solely responsible for making sure that your comment does not include any sensitive personal information, such as anyone's Social Security number, date of birth, driver's license number or other state identification number or foreign country equivalent, passport number, financial account number, or credit or debit card number. You are also solely responsible for making sure that your comment does not include any sensitive health information, such as medical records or other individually identifiable health information. In addition, do not include any ''[t]rade secret or any commercial or financial information which is obtained from any person and which is privileged or confidential,'' as provided in Section 6(f) of the FTC Act, 15 U.S.C. 46(f), and FTC Rule 4.10(a)(2), 16 CFR 4.10(a)(2). In particular, do not include competitively sensitive information such as costs, sales statistics, inventories, formulas, patterns, devices, manufacturing processes, or customer names.

If you want the Commission to give your comment confidential treatment, you must file it in paper form, with a request for confidential treatment, and you have to follow the procedure explained in FTC Rule 4.9(c), 16 CFR 4.9(c).[1] Your comment will be kept confidential only if the FTC General Counsel grants your request in accordance with the law and the public interest.

Postal mail addressed to the Commission is subject to delay due to heightened security screening. As a result, we encourage you to submit your comments online. To make sure that the Commission considers your online comment, you must file it at *https://ftcpublic.commentworks.com/ftc/fueleconomyrevisions,* by following the instructions on the web-based form. If this Notice appears at *http://www.regulations.gov,* you also may file a comment through that Web site.

If you prefer to file your comment on paper, write ''Fuel Economy Guide Amendments, R711008'' on your comment and on the envelope, and mail your comment to the following address: Federal Trade Commission, Office of the Secretary, 600 Pennsylvania Avenue NW., Suite CC–5610 (Annex B), Washington, DC 20580, or deliver your comment to the following address: Federal Trade Commission, Office of the Secretary, Constitution Center, 400 7th Street SW., 5th Floor, Suite 5610 (Annex B), Washington, DC 20024.

Visit the Commission Web site at *http://www.ftc.gov* to read this Notice and the News Release describing this proceeding. The FTC Act and other laws that the Commission administers permit the collection of public comments to consider and use in this proceeding, as appropriate. The Commission will consider all timely and responsive public comments that it receives on or before September 7, 2016. You can find more information, including routine uses permitted by the Privacy Act, in the Commission's privacy policy, at *http://www.ftc.gov/ftc/privacy.htm.*

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[1] In particular, the written request for confidential treatment that accompanies the comment must include the factual and legal basis for the request, and must identify the specific portions of the comment to be withheld from the public record. *See* FTC Rule 4.9(c), 16 CFR 4.9(c).

By direction of the Commission.

Donald S. Clark,

Secretary.

[FR Doc. 2016–18973 Filed 8–9–16; 8:45 am]

BILLING CODE 6750–01–P

DEPARTMENT OF DEFENSE

Department of the Army, Corps of Engineers

33 CFR Part 334

United States Navy Restricted Area, Menominee River, Marinette Marine Corporation Shipyard, Marinette, Wisconsin

AGENCY: United States Army Corps of Engineers, DoD.

ACTION: Notice of proposed rulemaking.

SUMMARY: The U.S. Army Corps of Engineers published a document in the **Federal Register** on May 24, 2011, amending its regulations to establish a restricted area in the Menominee River at the Marinette Marine Corporation Shipyard in Marinette, Wisconsin. The Corps published correcting amendments in the **Federal Register** on April 4, 2012, which corrected latitude and longitude coordinates and also revised administrative and enforcement responsibilities. The Corps is proposing to further amend these regulations to expand the existing restricted area to provide additional area of protection during the construction and launching of Littoral Combat Ships. The proposed expansion would result in temporary encroachment within the Menominee River Federal Navigation Channel. The regulations are necessary to provide adequate protection of U.S. Navy combat vessels, their materials, equipment to be installed therein, and crew, while located at the Marinette Marine Corporation Shipyard.

DATES: Written comments must be submitted on or before September 9, 2016.

ADDRESSES: You may submit comments, identified by docket number COE–2016–0005, by any of the following methods:

Federal eRulemaking Portal: http://www.regulations.gov . Follow the instructions for submitting comments.

Email: david.b.olson@usace.army.mil. Include the docket number, COE–2016–0005, in the subject line of the message.

Mail: U.S. Army Corps of Engineers, ATTN: CECW–CO (David B. Olson), 441 G Street NW., Washington, DC 20314–1000.

Hand Delivery/Courier: Due to security requirements, we cannot receive comments by hand delivery or courier.

Instructions: Direct your comments to docket number COE–2016–0005. All comments received will be included in the public docket without change and may be made available on-line at *http://www.regulations.gov,* including any personal information provided, unless the commenter indicates that the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI, or otherwise protected, through regulations.gov or email. The regulations.gov Web site is an anonymous access system, which means we will not know your identity or contact information unless you provide it in the body of your comment. If you send an email directly to the Corps without going through regulations.gov, your email address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, we recommend that you include your name and other contact information in the body of your comment and with any disk or CD–ROM you submit. If we cannot read your comment because of technical difficulties and cannot contact you for clarification, we may not be able to consider your comment. Electronic comments should avoid the use of any special characters, any form of encryption, and be free of any defects or viruses.

Docket: For access to the docket to read background documents or comments received, go to *www.regulations.gov.* All documents in the docket are listed. Although listed in the index, some information is not publicly available, such as CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form.

FOR FURTHER INFORMATION CONTACT: Mr. David Olson, Headquarters, Operations and Regulatory Community of Practice, Washington, DC at (202) 761–4922, or Mr. Ryan J. Huber, St. Paul District, Corps of Engineers, Regulatory Branch, at (651) 290–5859.

SUPPLEMENTARY INFORMATION: Pursuant to its authorities in Section 7 of the Rivers and Harbors Act of 1917 (40 Stat. 266; 33 U.S.C. 1) and Chapter XIX of the Army Appropriations Act of 1919 (40 Stat. 892; 33 U.S.C. 3), the Corps proposes to amend the restricted area regulations at 33 CFR part 334 by amending § 334.815 to expand the previously established restricted area in the Menominee River, at the Marinette Marine Corporation Shipyard, Marinette, Wisconsin. The amendment would also add a provision of disestablishment whereby the restricted area would be disestablished by no later than November 17, 2025. By correspondence dated October 29, 2015, the Department of the Navy, has requested the Corps of Engineers to amend this restricted area.

Pursuant to Section 14 of the Rivers and Harbors Act of 1899, 33 U.S.C. 408 (Section 408), and in accordance with Engineer Circular (EC) 1165–2–216, the Corps has granted approval for a ten-year occupancy within a portion of the federal navigation channel. The proposed amendment would include a provision for disestablishment of the restricted area no later than ten years from the date of the Section 408 approval.

Procedural Requirements

a. Review Under Executive Order 12866

This proposed rule is issued with respect to a military function of the Defense Department and the provisions of Executive Order 12866 do not apply.

b. Review Under the Regulatory Flexibility Act

The proposed rule has been reviewed under the Regulatory Flexibility Act (Pub. L. 96–354) which requires the preparation of a regulatory flexibility analysis for any regulation that will have a significant economic impact on a substantial number of small entities (*i.e.,* small businesses and small governments). The restricted area is necessary for security of this shipyard. Small entities can utilize navigable waters outside of the restricted area when the restricted area is activated. Unless information is obtained to the contrary during the public notice comment period, the Corps expects that the economic impact of this restricted area would have practically no impact on the public, no anticipated navigational hazard or interference with existing waterway traffic. This proposed rule if adopted, will have no significant economic impact on small entities.

c. Review Under the National Environmental Policy Act

A preliminary draft environmental assessment has been prepared for this action. Due to the administrative nature of this action and because the intended change will only expand the existing restricted area by approximately 1.4 acres for a ten year period, the Corps expects that this regulation, if adopted, will not have a significant impact to the quality of the human environment and, therefore, preparation of an environmental impact statement will not be required. The environmental assessment will be finalized after the public notice period is closed and all comments have been received and considered. It may be reviewed at the District office listed at the end of the **FOR FURTHER INFORMATION CONTACT**, above.

d. Unfunded Mandates Act

This proposed rule does not impose an enforceable duty among the private sector and, therefore, it is not a Federal private section mandate and it is not subject to the requirements of either section 202 or Section 205 of the Unfunded Mandates Act. We have also found under Section 203 of the Act, that small governments will not be significantly and uniquely affected by this rulemaking.

List of Subjects in 33 CFR Part 334

Danger zones, Marine safety, Navigation (water), Restricted areas, Waterways.

For the reasons stated in the preamble, the Corps proposes to amend 33 CFR part 334, as follows:

PART 334—DANGER ZONE AND RESTRICTED AREA REGULATIONS

■ 1. The authority citation for 33 CFR part 334 continues to read as follows:

Authority: 40 Stat. 266 (33 U.S.C. 1) and 40 Stat. 892 (33 U.S.C. 3).

■ 2. Revise § 334.815 to read as follows:

§ 334.815, Menominee River, at the Marinette Marine Corporation Shipyard, Marinette, Wisconsin; naval restricted area.

(a) *The area.* The waters adjacent to Marinette Marine Corporation's pier defined by a rectangular shape on the south side of the river beginning on shore at the eastern property line of Marinette Marine Corporation at latitude 45°05′55.87″ N., longitude 087°36′55.61″ W.; thence northerly to latitude 45°05′59.72″ N., longitude 087°36′55.61″ W.; thence westerly to latitude 45°06′03.22″ N., longitude 87°37′09.75″ W.; thence westerly to latitude 45°06′03.78″ N., longitude 87°37′16.40″ W.; thence southerly to latitude 45°06′2.80″ N., longitude 87°37′16.56″ W.; thence easterly along the Marinette Marine Corporation pier to the point of origin. The restricted area will be marked by a lighted and signed floating buoy line.

(b) *The regulation.* All persons, swimmers, vessels and other craft, except those vessels under the supervision or contract to local military or Naval authority, vessels of the United States Coast Guard, and local or state law enforcement vessels, are prohibited from entering the restricted area when marked by signed floating buoy line without permission from the Supervisor of Shipbuilding, Conversion and Repair, USN, Bath, ME or his/her authorized representative.

(c) *Enforcement.* The regulation in this section shall be enforced by the Supervisor of Shipbuilding, Conversion and Repair, USN, Bath, ME and/or such agencies or persons as he/she may designate.

(d) *Disestablishment of restricted area.* The restricted area will be disestablished not later than November 17, 2025, unless written application for its continuance is made to and approved by the Secretary of the Army prior to that date.

Dated: August 3, 2016. Approved:

Edward E. Belk, Jr.,

Chief, Operations and Regulatory Division, Directorate of Civil Works.

[FR Doc. 2016–19023 Filed 8–9–16; 8:45 am]

BILLING CODE 3720–58–P

LIBRARY OF CONGRESS

Copyright Royalty Board

37 CFR Part 370

[Docket No. RM 2008–7]

Notice and Recordkeeping for Use of Sound Recordings Under Statutory License; Technical Amendment

AGENCY: Copyright Royalty Board, Library of Congress.

ACTION: Proposed rule.

SUMMARY: On June 21, 2016, the Copyright Royalty Judges (Judges) published in the **Federal Register** a technical amendment to regulations that govern reporting requirements for noncommercial educational webcasters that pay no more than the minimum fee for their use of sound recordings under the applicable statutory licenses. Subsequently, interested parties petitioned the Judges to amend the regulations further to effect the Judges' stated intent. The Judges' hereby publish the proposed amendment and request comments to the proposed rule.

DATES: Comments are due no later than September 9, 2016.

ADDRESSES: This notice and request is also posted on the agency's Web site (*www.loc.gov/crb*) and on *Regulations.gov* (*www.regulations.gov*). Submit electronic comments to *crb@loc.gov.* See the **SUPPLEMENTARY INFORMATION** section below for instructions on submitting comments in other formats.

FOR FURTHER INFORMATION CONTACT: Kimberly Whittle at (202) 707–7658 or at *crb@loc.gov.*

SUPPLEMENTARY INFORMATION:

Introduction

The Copyright Royalty Judges (Judges) published a technical amendment to a final rule in the **Federal Register** to clarify that the reporting requirements in Part 370 that applied to "Minimum Fee Broadcasters" now apply to the more inclusive group, "*Eligible* Minimum Fee *Web*casters."[1] 81 FR 40190 (Jun. 21, 2016) (emphasis added). The Judges added the new term "Eligible Minimum Fee Webcaster" to the definition section of 37 CFR 370.4. They also removed the "Minimum Fee Broadcaster" definition, which they deemed to be no longer necessary because the new definition of "Eligible Minimum Fee Webcasters" was intended to include the entities that qualified under the prior definition of "Minimum Fee Broadcasters."

By adding the new term "Eligible Minimum Fee Webcasters," the Judges intended to expand relaxed reporting requirements then available to Minimum Fee Broadcasters to certain nonprofit educational webcasters that had previously been denied those expanded relaxed reporting requirements.

On June 21, 2016, the Judges received a Joint Petition of the National Association of Broadcasters and the National Religious Broadcasters Noncommercial Music License Committee to Amend Final Rule Regarding Reporting Requirements (Joint Motion). The moving parties contended that by removing the definition of "Minimum Fee Broadcaster," the Judges had failed to effect their intent. The moving parties requested that the Judges reinstate the definition of "broadcaster" as "an entity that owns and operates a terrestrial AM or FM radio station that is licensed by the Federal Communications Commission." Absent this amendment, the petitioners contended that noncommercial minimum fee broadcasters that were not educational webcasters were excluded from the new definition of "Eligible Minimum Fee Webcaster."

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[1] The Judges used the term "webcaster" advisedly, as stations do not report or pay royalties for broadcasting over the air. They only pay for the rights to stream sound recordings over the Internet, or "webcast."

The Judges find that the regulation, as amended on June 21, 2016, defines the new term "Eligible Minimum Fee Webcaster" too narrowly and therefore arguably excludes noncommercial minimum fee broadcasters, a category that the Judges had intended to include.

The Judges shall treat the Joint Motion as a petition for rulemaking and now propose to make the necessary changes to include minimum fee noncommercial broadcasters in the definition of "Eligible Minimum Fee Webcasters." That inclusion shall ensure that noncommercial minimum fee broadcasters qualify fully for the relaxed reporting requirements in part 370.

How To Submit Comments

Interested parties must submit comments to only one of the following addresses. Unless responding by email, claimants must submit an original, five paper copies, and an electronic version on a CD or other portable memory device in Portable Document Format (PDF) that contains searchable, accessible text (not a scanned image of text). Commenters should conform all filed electronic documents to the Judges' Guidelines for Electronic Documents posted on the Copyright Royalty Board Web site at *http://www.loc.gov/crb/docs/Guidelines_for_Electronic_Documents.pdf. Email: crb@loc.gov;* or

U.S. mail: Copyright Royalty Board, P.O. Box 70977, Washington, DC 20024–0977; or

Overnight service (only USPS Express Mail is acceptable): Copyright Royalty Board, P.O. Box 70977, Washington, DC 20024–0977; or

Commercial courier: Address package to: Copyright Royalty Board, Library of Congress, James Madison Memorial Building, LM–403, 101 Independence Avenue SE., Washington, DC 20559–6000. *Deliver to:* Congressional Courier Acceptance Site, 2nd Street NE., and D Street NE., Washington, DC; or

Hand delivery: Library of Congress, James Madison Memorial Building, LM–401, 101 Independence Avenue SE., Washington, DC 20559–6000.

List of Subjects in 37 CFR 370

Copyright, Sound recordings.

Proposed Regulations

In consideration of the foregoing, the Copyright Royalty Judges propose to amend 37 CFR part 370 as follows:

PART 370—NOTICE AND RECORDKEEPING REQUIREMENTS FOR STATUTORY LICENSES

■ 1. The authority citation for part 370 continues to read as follows:

Authority: 17 U.S.C. 112(e)(4), 114(f)(4)(A).

■ 2. In § 370.4, in paragraph (b), revise the definition of "Eligible Minimum Fee Webcaster" to read as follows:

§ 370.4 Reports of use of sound recordings under statutory license for nonsubscription transmission services, preexisting satellite digital audio radio services, new subscription services and business establishment services.

* * * * *

(b) * * *

Eligible Minimum Fee Webcaster means a nonsubscription transmission service whose payments for eligible transmissions do not exceed the annual minimum fee established for licensees relying upon the statutory licenses set forth in 17 U.S.C. 112(e) and 114; and:

(i) Is a Licensee that owns and operates a terrestrial AM or FM radio station that is licensed by the Federal Communications Commission; or

(ii) Is directly operated by, or affiliated with and officially sanctioned by, a domestically accredited primary or secondary school, college, university, or other post-secondary degree-granting institution; and

(A) The digital audio transmission operations of which are, during the course of the year, staffed substantially by students enrolled in such institution;

(B) Is exempt from taxation under section 501 of the Internal Revenue Code, has applied for such exemption, or is operated by a State or possession or any governmental entity or subordinate thereof, or by the United States or District of Columbia, for exclusively public purposes; and

(C) Is not a "public broadcasting entity" (as defined in 17 U.S.C. 118(f)) qualified to receive funding from the Corporation for Public Broadcasting pursuant to the criteria set forth in 47 U.S.C. 396

* * * * *

Dated: July 28, 2016.

Suzanne M. Barnett,

Chief Copyright Royalty Judge.

[FR Doc. 2016–19097 Filed 8–8–16; 11:15 am]

BILLING CODE 1410–72–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

42 CFR Parts 405, 410, 411, 414, 417, 422, 423, 424, 425, and 460

[CMS–1654–CN]

RIN 0938–AS81

Medicare Program; Revisions to Payment Policies Under the Physician Fee Schedule and Other Revisions to Part B for CY 2017; Medicare Advantage Pricing Data Release; Medicare Advantage and Part D Medical Low Ratio Data Release; Medicare Advantage Provider Network Requirements; Expansion of Medicare Diabetes Prevention Program Model; Correction

AGENCY: Centers for Medicare & Medicaid Services (CMS), HHS.

ACTION: Proposed rule; correction.

SUMMARY: This document corrects a technical error in the proposed rule that appeared in the July 15, 2016 **Federal Register** (81 FR 46162–46476) entitled, "Medicare Program; Revisions to Payment Policies under the Physician Fee Schedule and Other Revisions to Part B for CY 2017; Medicare Advantage Pricing Data Release; Medicare Advantage and Part D Medical Low Ratio Data Release; Medicare Advantage Provider Network Requirements; Expansion of Medicare Diabetes Prevention Program Model."

DATES: The proposed rule published July 15, 2016 (81 FR 46162–46476) is corrected as of August 9, 2016.

FOR FURTHER INFORMATION CONTACT: Terri Plumb, (410) 786–4481, Gaysha Brooks, (410) 786–9649, or Annette Brewer (410) 786–6580.

SUPPLEMENTARY INFORMATION:

I. Background

In FR Doc. 2016–16097 (81 FR 46162), the proposed rule entitled, "Medicare Program; Revisions to Payment Policies under the Physician Fee Schedule and Other Revisions to Part B for CY 2017; Medicare Advantage Pricing Data Release; Medicare Advantage and Part D Medical Low Ratio Data Release; Medicare Advantage Provider Network Requirements; Expansion of Medicare Diabetes Prevention Program Model" (referred to hereafter as the "CY 2017 PFS proposed rule,") there was a technical error that is identified and corrected in this correcting document. The correction is applicable as of August 9, 2016.

II. Summary of Errors in the Preamble

On page 46457 of the CY 2017 PFS proposed rule, we inadvertently stated that comments related to information collection requirements were due September 13, 2016. However, on page 46162, in the **DATES** section of the rule, we state that comments are due "no later than 5 p.m. on September 6, 2016." Accordingly, we are correcting the date on page 46457 to align with the **DATES** section of the rule on page 46162.

III. Waiver of Proposed Rulemaking and Delay in Effective Date

Under 5 U.S.C. 553(b) of the Administrative Procedure Act (APA), the agency is required to publish a notice of the proposed rule in the **Federal Register** and provide a period for public comment before the provisions of a rule take effect. In addition, section 553(d) of the APA mandates a 30-day delay in effective date after issuance or publication of a rule. Sections 553(b)(B) and 553(d)(3) of the APA provide for exceptions from the APA notice and comment, and delay in effective date requirements. Section 553(b)(B) of the APA authorizes an agency to dispense with normal notice and comment rulemaking procedures for good cause if the agency makes a finding that the notice and comment process is impracticable, unnecessary, or contrary to the public interest; and includes a statement of the finding and the reasons for it in the rule. In addition, section 553(d)(3) of the APA allows the agency to avoid the 30-day delay in effective date where such delay is contrary to the public interest and the agency includes in the rule a statement of the finding and the reasons for it.

In our view, this correcting document does not constitute a rulemaking that would be subject to these requirements. This document merely corrects a technical error in the CY 2017 PFS proposed rule. The corrections contained in this document are consistent with, and do not make substantive changes to, the policies and payment methodologies that were proposed subject to notice and comment procedures in the CY 2017 PFS proposed rule. As a result, the correction made through this correcting document is intended to resolve an inadvertent error so that the rule accurately reflects the correct date for comments to be submitted in order to assure their consideration in the final rule.

Even if this were a rulemaking to which the notice and comment and delayed effective date requirements applied, we find that there is good cause to waive such requirements. Undertaking further notice and comment procedures to incorporate the corrections in this document into the CY 2017 PFS proposed rule or delaying the effective date of the corrections would be contrary to the public interest because it is in the public interest to ensure that the rule accurately reflects the public comment period. Further, such procedures would be unnecessary, because we are not making any substantive revision to the proposed rule, but rather, we are simply correcting the **Federal Register** document to reflect the correct date by which public comments must be received in order to assure their consideration for the final rule. For these reasons, we believe there is good cause to waive the requirements for notice and comment and delay in effective date.

IV. Correction of Errors

In FR Doc. 2016–16097 (81 FR 46162), published July 15, 2016, on page 46457, in the first column, in the third paragraph, line 2, the phrase "September 13, 2016" is corrected to read "September 6, 2016".

Dated: August 3, 2016.

Madhura Valverde,

Executive Secretary to the Department, Department of Health and Human Services.

[FR Doc. 2016–19012 Filed 8–9–16; 8:45 am]

BILLING CODE 4120–01–P

SURFACE TRANSPORTATION BOARD

49 CFR Parts 1247 and 1248

[Docket No. EP 431 (Sub-No. 4)]

Review of the General Purpose Costing System; Supplement

AGENCY: Surface Transportation Board.

ACTION: Supplemental notice of proposed rulemaking.

SUMMARY: Through this supplemental notice of proposed rulemaking (Supplemental NPR), the Surface Transportation Board (Board) is revising its proposal to eliminate the "make-whole adjustment" that is currently applied as part of our general purpose costing system, the Uniform Railroad Costing System (URCS). The notice of proposed rulemaking (NPR) in this proceeding, issued on February 4, 2013, explained that when disaggregating data and calculating system-average unit costs in Phase II, URCS does not fully take into account the economies of scale realized from larger shipment sizes, necessitating an adjustment in Phase III. This subsequent adjustment in Phase III, referred to as the make-whole adjustment, produces a step function and does not appropriately reflect operating costs and economies of scale. To better address this problem and related issues, the Board is now proposing to modify certain inputs into Phase II of URCS and to modify certain cost calculations in Phase III of URCS in order to eliminate the make-whole adjustment. The Board is also proposing certain other related changes to URCS, including proposals for locomotive unit-miles (LUM) and train miles allocations, which would result in more appropriate rail movement costs.

DATES: Comments are due by October 11, 2016; replies are due by November 7, 2016.

ADDRESSES: Comments may be submitted either via the Board's e-filing format or in the traditional paper format. Any person using e-filing should attach a document and otherwise comply with the instructions at the "E-Filing" link on the Board's Web site, at *http://www.stb.dot.gov.* Any person submitting a filing in the traditional paper format should send an original and 10 copies to: Surface Transportation Board, Attn: Docket No. EP 431 (Sub-No. 4), 395 E Street SW., Washington, DC 20423–0001.

FOR FURTHER INFORMATION CONTACT: Allison Davis at (202) 245–0378. Assistance for the hearing impaired is available through the Federal Information Relay Service (FIRS) at (800) 877–8339.

SUPPLEMENTARY INFORMATION: In 1989, the Board's predecessor, the Interstate Commerce Commission (ICC), adopted URCS as its general purpose costing system. *Adoption of the Unif. R.R. Costing Sys. as a Gen. Purpose Costing Sys. for All Regulatory Costing Purposes,* 5 I.C.C.2d 894 (1989). The Board uses URCS for a variety of regulatory functions. URCS is used in rate reasonableness proceedings as part of the initial market dominance determination. At later stages of rate reasonableness proceedings, URCS is used in parts of the Board's determination as to whether the challenged rate is reasonable, and, when warranted, the maximum rate prescription. URCS is also used to develop variable costs for making cost determinations in abandonment proceedings; to provide the railroad industry and shippers with a standardized costing model; to cost the Board's Carload Waybill Sample to develop industry cost information; and to provide interested parties with basic cost information regarding railroad industry operations.

URCS develops a regulatory cost estimate that can be applied to a service that occurs anywhere on a rail carrier's system. These cost estimates are developed through three distinct phases of URCS.

- Phase I occurred only when URCS was originally developed using the annual reports submitted by Class I rail carriers (R–1 reports). Regression analyses were performed to develop equations linking expense account groupings with particular measures of railroad activities.
- Annually, in Phase II, URCS takes the aggregated cost data and traffic statistics provided by Class I carriers in their most recent R–1 reports and other reports and disaggregates them by calculating system-average unit costs associated with specific rail activities.
- In Phase III, URCS takes the unit costs from Phase II and applies them to the characteristics of a particular movement in order to calculate the variable cost of that movement.[1]

The agency has periodically reviewed URCS since its inception.[2] In August 2009, the Senate Committee on Appropriations directed the Board to submit a report providing options for additional updates to URCS. In the report submitted in May 2010, the Board identified the make-whole adjustment as one area that warranted further review.[3]

By decision served on February 4, 2013, the Board issued the NPR, mentioned above, to address concerns with the make-whole adjustment in URCS. As explained in the NPR, the make-whole adjustment is applied by URCS to correct the fact that, when disaggregating data and calculating system-average unit costs in Phase II, URCS does not fully take into account the economies of scale realized from larger shipment sizes. The purpose of the make-whole adjustment, which is calculated and applied in Phase III, is to recognize the efficiency savings that a carrier obtains in its higher-volume shipments and thus render more appropriate unit costs.

URCS applies the make-whole adjustment through a three-step process. First, URCS assumes that a movement's costs are equal to that of a system-average movement. Next, URCS applies efficiency adjustments depending on shipment size—single-car (1 to 5 cars), multi-car (6 to 49 cars), and trainload/unit train (50 or more cars).[4] URCS applies the efficiency adjustments to higher-volume movements, thereby reducing the system-average unit costs of such movements.[5] Last, URCS redistributes the total savings obtained in all of the higher-volume shipments (the shortfall) across all of the lower-volume shipments, such that the sum of variable costs across all of the carrier's movements remains the same.

The NPR identified two primary concerns with how the make-whole adjustment is currently applied by URCS. First, the efficiency adjustments cause a step function because the adjustments generally reduce the system-average unit costs by various set percentages depending on whether the movement is classified as unit train, multi-car, or single-car. As a result, the current URCS methodology generally reflects economies of scale only between single-car and multi-car shipments and between multi-car and unit train shipments, but it does not reflect any economies of scale within those shipment sizes. For example, the system-average unit cost for a multi-car movement is the same whether it is a 6-car or 49-car shipment. Likewise, the unit cost for a unit train movement is the same, whether it is a 50-car or 135-car shipment (or anywhere in between). At the same time, however, the system-average unit cost for a 49-car multi-car shipment is significantly higher than the unit cost for a 50-car unit train shipment. In other words, hard break points exist that may not reflect true efficiency differences between single-car and multi-car shipments, and between multi-car and unit train shipments.

Second, the make-whole adjustment redistributes the shortfall across single-car and multi-car movements on a per-car basis, which not only fails to account for economies of scale but also increases the size of the step function. For example, under the per-car method for switching-related costs, costs are increased in proportion to the number of cars switched (*i.e.,* a two-car movement is costed as twice as expensive to switch as a one-car movement, a three-car movement is three times as expensive to switch as a one-car movement, etc.). By not decreasing the per-car costs as the number of cars in the shipment increases, the redistribution of savings does not adequately account for economies of scale. Additionally, the redistribution of savings increases the size of the step function because the add-ons increase costs per car across single-car and multi-car shipments, but do not apply to unit train shipments.[6]

These break points, or steps, create the opportunity for parties to use URCS to manipulate regulatory outcomes. The same problem occurs with locomotive unit-mile (LUM) allocation, which also produces a step function between multi-car and unit train shipments. The NPR proposed to address these concerns regarding the make-whole adjustment and LUM allocation. Rather than refining the make-whole adjustment in Phase III, the NPR proposed to reflect the impact of economies of scale in calculating the system-average unit costs in Phase II, thereby eliminating the need for a modification of those costs in Phase III. To that end, the NPR proposed changes to switching costs related to switch engine minutes, equipment costs for the use of railroad-owned equipment during switching, station clerical costs, and car-mile costs, as well as other related changes to URCS. The NPR also proposed changes to the LUM allocation.

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[1] Although Phase III is referred to generically here, Phase III actually consists of two programs: The waybill costing program, used to calculate the variable costs of movements from the Waybill Sample, and the interactive Phase III movement costing program, which calculates variable costs of movements based on user-supplied information. The waybill costing program calculates the make-whole factors, whereas the interactive Phase III movement costing program applies the make-whole factors and estimates a movement-specific cost. The interactive Phase III movement costing program is available for download on the Board's Web site. *See also infra* note 79 and accompanying text.

[2] *See, e.g., Review of the Surface Transp. Bd.'s Gen. Costing Sys.,* EP 431 (Sub-No. 3) (STB served Apr. 6, 2009); *Review of Gen. Purpose Costing Sys.,* 2 S.T.B. 754 (1997); *Review of Gen. Purpose Costing Sys.,* EP 431 (Sub-No. 2) (ICC served July 21, 1993).

[3] Surface Transp. Bd., *Surface Transportation Board Report to Congress Regarding the Uniform Rail Costing System,* 14, 18–19 (May 27, 2010).

[4] Single-car, multi-car, and trainload/unit train are the three basic shipment size categories for purposes of the make-whole adjustment. URCS currently treats all trainload movements as unit train movements; because of its handling of the Empty/Loaded Ratio, URCS assumes that every trainload movement travels from origination to destination and back to origination. Trainload movements are also assumed to be unit train because URCS uses certain unit train statistics reported by the railroads when costing trainload movements (*e.g.,* train miles, locomotive unit-miles, car-miles, and gross ton-miles). Although the NPR used the term "trainload" to describe these movements, because URCS treats these movements as unit train, this Supplemental NPR will use the term "unit train," which better reflects how those shipments are costed.

Additionally, URCS treats intermodal traffic as a type of "hybrid" category. Prior to 1997, URCS treated intermodal traffic as single-car movements. In 1997, the Board concluded that more accurate costs would be obtained by applying to intermodal traffic many, though not all, of the efficiency adjustments applicable to unit train movements. *Review of Gen. Purpose Costing Sys.,* 2 S.T.B. 659, 663–665 (1997).

[5] There are 14 efficiency adjustments, any number of which may apply to a particular movement.

[6] For example, under the current system, the costs are increased in proportion to the number of cars. If the shortfall redistribution for a one-car shipment is $1,000, then the shortfall redistribution for a 49-car shipment is $49,000. But because the add-ons do not apply to unit train shipments, there is no redistribution of costs to a 50-car shipment.

To assist commenters in evaluating those proposals, the Board issued a decision on April 25, 2013, in which it made available certain information, including the uncosted and costed 2011 Waybill Sample, the source code used to cost the Waybill Sample and the intermediate outputs that result from using the source code, a small record set, and descriptions to changes in the calculations of certain Phase III line items. The Board received comments and reply comments on June 20, 2013, and September 5, 2013, respectively.[7] After considering the comments, the Board is modifying its earlier proposal.

General Comments

Commenters expressed two general concerns about the NPR, which the Board has considered in creating the revised proposal set forth in this Supplemental NPR. First, some commenters cautioned against pursuing "piece-meal" changes to URCS, arguing that piece-meal changes run the risk of skewing results and that the Board should consider a more comprehensive review of URCS.[8] Second, a number of commenters expressed the concern that the proposals in the NPR lack empirical support and would change long-standing cost allocation factors that were derived from industry studies. To that end, many of the commenters propose that the Board conduct special studies that will provide the empirical support necessary for the proposed changes.

We understand the arguments about piece-meal changes to URCS, but we do not believe that improvements to our costing system should be ignored when incremental changes can be implemented to address specific problems or concerns that have been identified with a portion of that system. Nor do we believe that it is necessary for the Board to have the types of empirical data suggested by commenters in order to move forward with the specific changes to URCS proposed in this rulemaking. The changes proposed here can be properly supported by reasonable economic judgments based on sound principles of cost causation and cost allocation. Moreover, both the need for improvement and the extent to which changes can be implemented without undue burden must be considered. The special studies that would reexamine all of the underlying empirical studies would primarily place a burden on both the rail industry's and the agency's resources. Because the modest changes proposed here can be made to correct or mitigate specific problems with the make-whole adjustment and the related LUM and train mile allocations without such studies,[9] the Board believes this is the prudent course of action. In taking this approach, the Board is guided by the "practicality principle" set forth in the Final Report of the Railroad Accounting Principles Board (RAPB), which states that "cost and related information . . . must generate benefits that exceed the costs of providing it."[10] As the Board has previously stated,

> [i]n considering costing modifications, [the Board] cannot demand perfection. Rather, [the Board bases its] decision on whether a proposed change represents an improvement over current costing procedures, and whether such a change can be implemented at a reasonable cost and without undue burden on the railroad industry, the shipping public or the agency.

Review of Gen. Purpose Costing Sys., 2 S.T.B. 659, 660–61 (1997).

The NPR in this proceeding focused on an identified problem in URCS: The occurrence of break points, between shipment sizes, that do not appropriately reflect operating costs and economies of scale, and the problematic allocation of LUMs that also creates break points. Several commenters acknowledge these current flaws in URCS.[11] Our goal here, as in the past, is to make "an improvement over current costing procedures." As discussed above, it is possible to modify URCS to address these issues without conducting special studies, which, under the circumstances, could place an undue burden on "the railroad industry, the shipping public, or the agency." However, the comments received argued that our proposed methodologies for calculating certain Phase II costs did not properly reflect the causation factors for those costs.

As discussed more fully later in this decision, the Board has determined that certain of the NPR's proposals for changing the method of calculating the costs of various types of operations in Phase II, such as switching costs, raised legitimate concerns about cost causation and inadvertently affected other outputs of Phase III. After considering the comments and engaging in further analysis, we now believe that, with modifications to the NPR's proposals, the existing efficiency adjustments and cost relationships in Phase III can form the basis for changes that remedy the problems in the current make-whole adjustment and related Phase III outputs. Therefore, the Board proposes in this Supplemental NPR certain modifications to inputs in Phase II and calculations in Phase III that would more appropriately adjust system-average unit costs.

To assist commenters in reviewing this revised proposal, the Board will make its workpapers (which contain confidential information from the Waybill Sample) available subject to our customary Confidentiality Agreement. 49 CFR 1244.9.[12] The workpapers contain sample calculations and supporting data related to: (1) Switch Engine Minutes, (2) Railroad-Owned Equipment, (3) Station Clerical, (4) Car-Miles, and (5) Other Related Changes.

Revised Proposal

The revised proposal would eliminate the need for the make-whole adjustment and address additional step functions in URCS relating to LUMs and train miles. Below, proposed changes to the current efficiency adjustments—switching costs, railroad-owned equipment costs, station clerical costs, and car-mile costs—are first discussed. Other related proposals are then discussed.

1. Switching Costs Related to Switch Engine Minutes

The NPR proposed to adjust how URCS calculates the operating costs for switching cars, regardless of car ownership. These costs are referred to as "switch engine minute" (SEM) costs. Currently, in Phase II, URCS calculates SEM costs on a per-carload basis, which does not reflect economies of scale as shipment size increases. In the NPR, the

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[7] The following parties filed comments in this proceeding: Arkansas Electric Cooperative Corporation (AECC); Association of American Railroads (AAR); BNSF Railway Company (BNSF); Montana Grain Growers Association (Montana Grain); Samuel J. Nasca, on behalf of United Transportation Union-New York State Legislative Board; Tom O'Connor Group; Union Pacific Railroad Company (UP); Western Coal Traffic League (WCTL). Additionally, joint comments were filed by the American Chemistry Council and others (referred to collectively as ACC) as well as by the Alliance for Rail Competition and others (referred to collectively as ARC).

[8] AAR Comment 9, 21; V.S. O'Connor & Legieza 10–11; UP Comment 2, 18.

[9] Although the NPR did not include a proposal on train miles, the Board is addressing train mile allocation in this Supplemental NPR because, as explained below, it has the possibility of producing a step function.

[10] RAPB Final Report 17. *See also Adoption of the Uniform R.R. Costing Sys. As A General Purpose Costing Sys. For All Regulatory Costing Purposes*, 5 I.C.C.2d 894, 909 (1989); 49 U.S.C. 11162(b)(3), (4).

[11] AAR Comment 13; BNSF Comment 5; Montana Grain Comment 1; UP Comment 3; WCTL Comment 7.

[12] To obtain the workpapers, parties should submit a written request to the Board's Office of Economics and reference this proceeding. Parties may seek a protective order for subsequent pleadings using this information. If participants are permitted to file their pleadings under seal, they also will be required to file a public version with confidential information redacted.

Board stated that, operationally, a shipment of rail cars is generally connected into a contiguous block of cars, and is handled as a contiguous block from origin to destination. The Board therefore proposed to calculate SEM unit costs in Phase II on a per-shipment basis for all five types of switching accounted for by URCS.[13]

Although certain commenters acknowledge that allocating SEMs on a purely per-carload basis may not be appropriate, they also object to the NPR's proposed allocation of SEMs on a purely per-shipment basis because switching costs are, to some extent, dependent upon the number of cars in the block.[14] Specifically, commenters argue that there is both a time component and an event component to switching, and that the time required to switch cars is influenced by the number of cars in the shipment.[15] Several commenters therefore recommend that the Board allocate a portion of switching costs on a per-shipment basis and a portion on a per-carload basis. Such an approach would require a determination of the appropriate percentage split between carloads and shipments and likely involve statistical studies that would be time-consuming and costly. While such studies might be justifiable if there were no less costly alternative to address the problem, the Board has concluded that the cost relationships used to develop the Phase III efficiency adjustments can be used to recognize and quantify the time- and event-related components of switching costs in Phase III in a way that eliminates the problems with the existing make-whole adjustment.

Thus, rather than changing the calculation of SEM unit costs in Phase II as proposed in the NPR, the Supplemental NPR would adjust how Phase III allocates SEMs to account for economies of scale and recognize the fact that switching costs include both a time component and an event component. Under the revised proposal, Phase III would adjust the system-average unit costs by incorporating both the time component of switching (carload basis) and the event component of switching (shipment basis). In this way, the efficiency adjustments that are reflected in Phase III would no longer result in a step function and would reflect economies of scale for every different shipment size.

Several commenters argued that the efficiency adjustments in Phase III were developed using empirical data,[16] and that these existing cost relationships in URCS should be maintained. This proposal maintains the existing cost relationships in URCS to the extent practicable. This Supplemental NPR proposes to incorporate the current efficiency adjustments, which were developed using empirical data, by maintaining the percentage reduction for unit train traffic currently embodied in the Phase III efficiency adjustments.[17] For example, for industry switching, URCS currently applies a 75% reduction in assigned SEMs for unit train traffic, and a 50% reduction in assigned SEMs for multi-car traffic, by way of a step function. The proposal would continue applying the 75% reduction for unit train traffic, but would now achieve this reduction by way of an asymptotic curve. The efficiency reductions for single-car and multi-car traffic would no longer apply; rather, the efficiencies associated with such movements would be allocated through the asymptotic curve.

In order to create this asymptotic curve, the Board would employ a new concept called the Carload Weighted Block (CWB) Adjustment. The CWB Adjustment applies a weighting to a block of cars based on a percentage of the number of cars in that block.[18] The CWB value is calculated as the number of cars in a block multiplied by the percentage by which switching varies by carload, plus the number of blocks multiplied by the percentage by which switching varies by block—thus reflecting the fact that switching costs are dependent in part on the number of cars in a block, due to the time and event components of switching.

To determine the appropriate percentages by carload and block in the CWB value, while also maintaining the existing cost relationships in URCS, the Supplemental NPR proposes to solve for the values that cause SEMs to be reduced at the minimum unit train level by the same amount as is currently done by URCS.[19] This determination would be done annually, by railroad, using data in the Waybill Sample for each type of switching. Then, to convert system-average SEMs from Phase II to SEMs in Phase III that reflect economies of scale, the Supplemental NPR proposes the following calculation, where the CWB Ratio represents SEMs per CWB divided by SEMs per carload:

Phase III Adjusted SEMs = (*Phase II System Average SEMs*) * (*CWB Ratio*) * (*CWB*)

These calculations represent the proposed relationship between current Phase II calculations, which are done on a per-carload basis, and the proposed Phase III calculations, which are done on a per-CWB basis. As explained, these calculations eliminate the current step function and incorporate current URCS efficiency adjustments at the unit train level. This adjustment is referred to as the CWB Adjustment.

The CWB Adjustment is more appropriate than the current make-whole adjustment for several reasons. Although the current methodology generally reflects economies of scale between single-car and multi-car shipments and between multi-car and unit train shipments, it does not reflect any economies of scale within those shipment sizes. The CWB Adjustment does reflect increasing economies of scale as shipment size increases. It also has the advantage over the current methodology of not producing a step function and not requiring an add-back of the shortfall. Finally, with the possible exception of I&I switching, discussed below, the CWB Adjustment better reflects the cost causality principle from the RAPB's Final Report[20] because of the changing economies of scale for every different shipment size.

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[13] Those five types of switching are: (1) Industry switching; (2) interchange switching; (3) intraterminal switching; (4) interterminal switching; and (5) inter-train & intra-train (I&I) switching. Industry switching is switching that occurs at origin or destination points. Interchange switching is switching that occurs at intermediate yards between different carriers, as opposed to I&I switching, which occurs on a rail carrier's own lines. Intraterminal switching is the switching of cars by one carrier within a rail terminal, and interterminal switching is the switching of cars between carriers within a rail terminal. For purposes of costing the Waybill Sample, only movements that travel a total distance of less than 8.5 miles are considered intraterminal or interterminal switching.

[14] *See, e.g.,* AAR Comment 12, 13, 16; ACC Comment 8; BNSF Comment 7–8; UP Comment 4–5.

[15] For example, if the switching movement requires moving cars from one track to another, or if it requires the cars to be inspected and the air brakes to charge, then the amount of time it takes to switch will be dependent on the number of cars.

[16] *See* AAR Comment 16; ACC Comment 2; BNSF Comment 11–12.

[17] Although the current make-whole adjustment for unit train traffic is applied starting at 50 cars, the Supplemental NPR proposes to apply these revised adjustments starting at 75 cars. *See infra* p. 25.

[18] A "block" is defined as the number of cars on the waybill moved as a contiguous unit from origin to destination. For carload traffic, the number of blocks is always one.

[19] To illustrate, for carload industry switching, the appropriate carload and block percentages would be calculated by solving for a 75% reduction at 75 cars (the proposed definition of unit train). *See infra* p. 25 (proposing to define unit train starting at 75 cars).

[20] "Causality is the primary criterion for cost assignment. Cost is the amount (usually expressed in monetary terms) of input resources used to achieve a specified quantity of activity or service. Causality links cost with an activity or service." (RAPB Final Report 9.)

This revised proposal, which makes changes to Phase III through the CWB Adjustment rather than Phase II, obviates the need for changes to the Board's reporting requirements by the railroads. Thus, the NPR's proposed changes to the *Annual Report of Cars Loaded and Cars Terminated* (Form STB–54) and the *Quarterly Report of Freight Commodity Statistics* (Form QCS) are no longer necessary under the revised proposal.

Below, two specific issues related to the CWB Adjustment are discussed: I&I switching and the definition of "shipment."

I&I Switching

The CWB Adjustment for I&I switching would be applied as described above. However, unlike the other types of switching, application of the CWB Adjustment as described above to I&I switching results in decreasing total I&I switching costs as shipment size increases.[21] In other words, the total I&I costs for a two-car shipment would be slightly less than for a one-car shipment, a three-car shipment would be slightly less than a two-car shipment, a four-car shipment would be slightly less than a three-car shipment, and so on until the total I&I cost for a unit train shipment is zero.

The CWB Adjustment solution produces a negative slope in total I&I switching costs because URCS currently assumes a 100% efficiency reduction (*i.e.,* zero I&I switching) for unit train shipments, reflecting the assumption in URCS that there is no I&I switching associated with unit trains. The CWB Adjustment proposes to maintain the existing efficiency reductions for unit trains by solving for the values that cause SEMs to be reduced at the unit train level by the same amount as is currently done by URCS. Because the I&I cost curve goes from a positive value for a one-car shipment to a value of zero for a unit train shipment, it results in a negative total I&I cost curve. This is in contrast to the other types of switching, which have an efficiency reduction of less than 100% at the unit train level, thus resulting in a positive value and total cost curve.

Although this negative slope for I&I switching may not be perfectly reflective of costs for actual railroad operations, the Board has considered alternative solutions and found this proposal to be the most appropriate solution under the circumstances. For instance, one alternative solution could be to reconsider the current URCS assumption that unit train shipments receive no I&I switching.[22] However, for the reasons stated earlier, the Board seeks to avoid the unwarranted administrative and public burden associated with a special study to establish a new efficiency adjustment for I&I switching where modifications that account for these impacts can be made without such studies. Parties may, however, submit evidence on I&I switching for unit train traffic for the Board's consideration, if they so choose. Another solution would be to have a methodology that produces a positively sloped I&I switching cost curve for single- and multi-car shipments; however, any such solution would, by definition, require a negative step function in order for the cost to drop to zero for unit trains. Because a major goal of this Supplemental NPR is to eliminate step functions, the Board believes the use of the CWB Adjustment for I&I switching is superior.

a. Definition of "Shipment"

As noted in the NPR, any proposal to calculate SEM costs on a per-shipment basis (whether entirely or in part) requires the Board to define "shipment." The NPR proposed to define "shipment" as a block of one or more cars moving under the same waybill from origin to destination. Some commenters suggested that this definition was inappropriate because how traffic moves operationally and how it is waybilled are not necessarily synonymous.[23] In particular, commenters argued that, while the Board's definition may be sufficient for carload traffic, it was inappropriate for intermodal traffic.[24]

BNSF and AAR contend that the Board should undertake a special study to determine how to define intermodal shipments for costing purposes.[25] In the alternative, BNSF suggests that the Board could require each Class I to report annually the average number of intermodal flatcars moving together as a block and use that reported number (annualized over three years) as that carrier's number of flatcars in a "shipment."[26] In their joint verified statement, AAR's witnesses, Baranowski and Fisher, estimated the average size of an intermodal shipment to be 10 intermodal flat cars, though they did not provide their methodology for how this figure was developed.[27]

The Board does not believe that a special study is required in order to define a shipment. In the NPR, the Board stated that, operationally, a shipment of rail cars is generally connected into a contiguous block of cars. Although the terms "shipment" and "block" are sometimes used interchangeably, the former is generally a billing concept, while the latter is generally an operational concept. For the purposes of discussing intermodal shipments, the distinction is important, as an intermodal shipment may, for costing purposes, use only a partial block, as further described below.

As noted, switching is performed on a block of cars. For carload shipments, the number of blocks for a shipment is always one. For intermodal shipments, however, the number of trailer container units (TCUs) in a shipment may not fill an entire car, such that the time, and thus costs, to switch the number of TCUs in an intermodal shipment should be prorated. For example, if the average number of TCUs per flatcar is four, the time required to switch a shipment of one TCU should be prorated to 25% of the time required to switch the entire flatcar. As another example, a shipment of six TCUs will require two flatcars in a block, though the time to switch the block should be prorated to 75% for that shipment, as the number of TCUs in the shipment only accounts for six of the eight available TCU spaces in the block of two flatcars.

Thus, the Supplemental NPR proposes to adjust the NPR's definition slightly by defining a shipment as a block of one or more cars *or TCUs* moving under the same waybill from origin to destination. The Board believes that such a definition is appropriate for both carload traffic and intermodal traffic, and that the difference between the two is that the time, and thus costs, to switch an intermodal shipment may need to be prorated based on the number of TCUs in the block being switched. To perform this calculation, the Supplemental NPR proposes to use the average number of TCUs per flatcar that is reported by the railroads on line 134 of R–1 Schedule 755.

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[21] This negative slope would not be reflected in URCS Phase III switching costs when I&I switching is combined with industry switching. *See* workpaper "EP431S4_SEMs_IndustryAndI&I.xlsx." Since not all movements receive the other types of switching, *see supra* note 14, a graph of I&I switching and industry switching depicts whether total switching costs for a movement will have a negatively or positively sloped curve.

[22] Evidence submitted by parties in rate cases has suggested anecdotally that certain unit trains may receive I&I switching for bad-order cars. *See, e.g., Tex. Mun. Power Agency* v. *BNSF Ry.,* NOR 42056, slip op. at 45 (STB served Mar. 24, 2003); *Pub. Serv. Co. of Colo.* v. *BNSF Ry.,* NOR 42057, slip op. at 128 (STB served June 7, 2004). However, such evidence is not broad enough to be used to develop a new efficiency adjustment for I&I switching in this proceeding.

[23] AAR Comment 13–15; ACC Comment 7–8; ACC Reply, V.S. Mulholland 4.

[24] AAR Comment 14–15; ACC Comment 7–8; BNSF Comment 9–10.

[25] AAR Comment 14–15; BNSF Comment 9–10.

[26] BNSF further states that, in 2012, it had an average of 5.29 containers per flatcar. BNSF Comment 9 (citing 2012 BNSF R–1 report, Schedule 755).

[27] *See* AAR Comment, V.S. Baranowski & Fisher 13.

Some commenters pointed out that intermodal trailers or containers typically move under a separate waybill even if the TCUs are placed on flatcars that move in multiple flatcar blocks. We take this to mean that, even if multiple TCUs are traveling together from origin to destination, each TCU may be billed individually on a separate waybill. AAR further pointed out that "this distinction ha[d] not been relevant to URCS costs . . . calculated on a per car basis," but that the Board's proposal in the NPR "to rely on a per shipment costs" highlighted "the disconnect" between how traffic moves operationally and how it is waybilled.[28] The Board's Supplemental NPR eliminates this concern because the CWB Adjustment for intermodal switching now finds that intermodal switching is based on 100% of the number of cars. As such, there is no difference between the proposal in this Supplemental NPR and how URCS currently treats intermodal switching (*i.e.,* on a per car basis).

It is worth noting that, under the proposal and proposed definition of a shipment, billing multiple TCUs individually rather than as a shipment may increase the allocation of station clerical costs to those TCUs. However, we perceive no misallocation of costs in this outcome because such a practice would require more clerical resources to process multiple waybills rather than a single waybill.

2. *Equipment Costs for the Use of Railroad-Owned Cars During Switching*

Another category of system-average unit costs associated with switching pertains to the equipment costs for the use of railroad-owned cars. These costs are distance- and time-related.[29] In the NPR, the Board concluded that these costs are properly accounted for on a per-car basis and therefore proposed to continue calculating these costs on a per-car basis. However, the NPR would have affected the calculation of these costs by eliminating the Phase III efficiency adjustment.

Commenters disagree with the Board's proposal to eliminate the Phase III efficiency adjustments for these costs.[30] They argue that URCS currently recognizes certain efficiencies that were derived from special studies conducted by the ICC, and that there is no evidence that these efficiencies have been reduced or eliminated. As such, commenters argue that the Board's proposal should account for these efficiencies. UP and BNSF, for example, recommend that the Board divide costs into an event-related component and a shipment size-related component, similar to SEM costs.[31] WCTL asks the Board to retain the efficiency adjustment, and acknowledges that this would necessitate the retention of a make-whole factor.[32]

Additionally, AAR and BNSF ask that, regardless of whether the Board proceeds with its proposals in the NPR, it fix what they describe as a "flaw" or "misallocation problem" in how URCS calculates the costs for railroad-owned equipment when applying the make-whole adjustment.[33] They argue that URCS improperly distributes cost savings associated with the efficiency of one car type to other car types. AAR's witnesses, for example, argue that because the costs for railroad-owned cars are composed primarily of ownership and lease costs that are specific to individual car types, URCS is distributing ownership costs for one car type to shipments using a different car type.[34]

Because commenters urge retention of the existing cost relationships to the extent that the efficiency adjustments in URCS were developed using empirical data, we have incorporated those adjustments into the revised proposal to the extent practicable. However, we also agree that the current efficiency adjustments are distributing savings from a few equipment types that have a high percentage of unit train service onto the costs of other types of equipment that have a high percentage of single-car service. By doing so, URCS overstates the equipment costs of equipment moving in single-car service and understates the equipment costs of equipment moving in unit train service.

Accordingly, the Board now proposes to modify the Phase II inputs for car-days and car-miles to reflect the current efficiency adjusted values for the predominant shipment size of each particular car type. Specifically, the Supplemental NPR proposes the following: (1) If a majority of shipments for one car type (greater than 50%) move by unit train, then the Supplemental NPR proposes to use the efficiency adjusted inputs for car-days and car-miles; (2) if the predominant shipment size for that car type is single-car, then the Supplemental NPR proposes to use the unadjusted inputs for car-days and car-miles; and (3) if there is no majority of shipments moving by a particular shipment size, the Supplemental NPR proposes to apply the efficiency adjustments depending on whether the particular adjustment reduces costs for multi-car shipments or not.

Under this proposal, not only would the step function that results from application of the make-whole adjustment be eliminated, but the misallocation identified by AAR and BNSF also would be corrected and the efficiency adjustments currently reflected in URCS would be maintained.

Because this proposal incorporates the current efficiency adjustments into the Phase II inputs, the Phase II unit costs for some equipment will increase depending on the equipment's assigned efficiency adjustment. Specifically, for any equipment that receives an efficiency adjustment, this proposal would reduce the Phase II inputs for that equipment (*e.g.,* from two car-days to one car-day for car-days loading and unloading). This, in turn, would increase the unit costs for that equipment because the same equipment expenses would be divided by a smaller number of units. There would be no change to the unit costs in Phase II for equipment whose inputs do not change.

These changes in unit costs in Phase II would flow through to the variable costs calculated in Phase III. Although the change in Phase II unit costs may be offset by the concurrent reduction in car-days or car-miles, equipment whose unit costs have increased in Phase II may still see an increase in variable costs because this proposal corrects the misallocation described above. In other words, the efficiency savings currently applied to that equipment will no longer be transferred to other equipment. For equipment whose Phase II unit costs would not change, the Phase III variable costs for that equipment would nonetheless also be impacted by this proposal for the same reason. That is, the variable costs for that equipment would decrease in Phase III because this proposal corrects the aforementioned misallocation associated with railroad-owned equipment.

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[28] AAR Comment 14.

[29] In other words, the costs for using a railroad-owned car are based both on the distance it travels and the time it is being used during the switching process. For example, if a railroad-owned car travels two miles during an interchange switch, and is held at the interchange for three days, the costs for the use of that car will be based both on the two-miles it traveled and the three-days it was held.

[30] *See* AAR Comment 17; BNSF Comment 11–12; UP Comment 11–12; WCTL Comment 8–9.

[31] *See* BNSF Comment 11–12; UP Comment 11–12.

[32] *See* WCTL Comment 9; WCTL Reply 9.

[33] *See* AAR Reply 7; BNSF Reply 4–5.

[34] AAR Reply, V.S. Baranowski & Fisher 11.

Station Clerical Costs

The NPR proposed to adjust how URCS calculates station clerical costs, which are the administrative costs associated with a shipment. Currently, in Phase II, URCS calculates station clerical costs on a per-car basis, which does not reflect economies of scale. As a result, in Phase III, URCS applies an efficiency adjustment for multi-car and unit train shipments and adds those efficiency savings onto single-car shipments.

In the NPR, the Board proposed to calculate station clerical costs in Phase II on a per-shipment basis. Although commenters agreed that there are economies of scale associated with station clerical costs, they objected to the Board's proposal. Some commenters agreed with the Board's proposal on theoretical grounds, but objected because the proposal was not supported by empirical evidence.[35] Others argued that allocating station clerical costs on a purely per-shipment basis would be inappropriate because there are in fact some costs that vary with the number of carloads.[36] As with SEM switching costs, AAR, BNSF, and UP recommend that the Board adopt an approach that splits station clerical costs into a time-related component and an event-related component.[37]

After considering the comments, we propose here to continue calculating station clerical costs on a per-car basis in Phase II and, for multi-car and unit train shipments, continue applying the same efficiency adjustments that URCS applies now in Phase III. Unlike SEM costs or railroad-owned equipment costs, the adjustment currently applied by URCS for station clerical costs does not include a break point between multi-car and unit train shipments because the reduction is based on a function where 75% of costs are based on the carloads and 25% of costs are based on the shipment, resulting in an asymptotic curve.

However, there is a large break point between single-car and multi-car shipments because URCS applies an efficiency adjustment to multi-car shipments, but not to single-car shipments. Additionally, URCS adds the efficiency savings of larger shipment sizes onto single-car shipments, thus increasing the size of the step function. To eliminate this break point, Phase III would be adjusted to allocate station clerical costs in single-car shipments to account for economies of scale by applying the concept of the CWB Adjustment discussed earlier. To determine the appropriate percentage split between carload and block in the CWB value for single-car shipments only, the Supplemental NPR proposes to solve for the values that cause station clerical costs to be reduced at the six-car level by the same amount as is currently done by URCS. As with SEMs, this determination would be done annually, by railroad, using data in the Waybill Sample. Thus, by applying the CWB Adjustment, the Supplemental NPR proposes to eliminate the current step between single-car and multi-car shipments while also maintaining the current URCS efficiency adjustments for multi-car and unit train shipments.

For intermodal shipments, URCS currently applies a station clerical efficiency adjustment starting at six flatcars. As with carload traffic, the Supplemental NPR proposes to continue to use the current efficiency adjustments for multi-car and unit train shipments. However, for intermodal shipments with fewer than six flatcars, the Supplemental NPR proposes to apply the CWB Adjustment and solve for the smallest multi-car shipment in order to match the current efficiency adjustment at six cars.[38]

As with SEM costs, this revised proposal, which makes changes to Phase III rather than Phase II, obviates the need for adjustments to the Board's reporting requirements of the railroads. Thus, the NPR's proposed changes to the *Annual Report of Cars Loaded and Cars Terminated* (Form STB–54) and the *Quarterly Report of Freight Commodity Statistics* (Form QCS) are no longer necessary under the revised proposal.

3. Car-Mile Costs

In order to calculate car-mile costs, URCS uses what is referred to as the Empty/Loaded Ratio (E/L Ratio) to adjust the number of miles in a particular movement. The E/L Ratio is used when costing all movements because, although there are costs associated with both empty miles and loaded miles, URCS only requires a user to input loaded miles to cost a movement. Thus, to account for the costs of a carrier's total miles, URCS multiplies loaded miles by the E/L Ratio. The E/L Ratio, which can be described as total miles divided by loaded miles, is a figure computed by URCS based on data supplied by the Class I carriers.

Currently, in Phase III, URCS uses the E/L Ratio for single-car and multi-car movements based on actual data supplied by the railroads. For unit train movements, however, URCS applies an E/L Ratio of 2.0 to reflect the assumption that, for unit train movements, a loaded car will return to its origination location, such that empty miles are equal to loaded miles.[39] Thus, even if a rail carrier's actual E/L Ratio is less than 2.0 (*i.e.,* there are fewer empty miles than loaded miles and thus more efficiencies), URCS currently disregards that more efficient E/L Ratio as to unit train movements and applies the less efficient value of 2.0.[40]

In the NPR, the Board stated that the actual E/L Ratio computed from data supplied by the carriers is the best reflection of a railroad's actual operations and that it should not be replaced by an assumed E/L Ratio of 2.0 in the case of a unit train movement. It therefore proposed to adjust URCS so that the actual E/L Ratio would apply to all types of movements, such that URCS would no longer treat all unit train movements as having equal empty and loaded car-miles.

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[35] *See* ARC Comment, V.S. Fauth 12; WCTL Comment 10–11.

[36] *See* ARC Comment, V.S. Fauth 12; UP Comment 10–11; WCTL Comment 10–11.

[37] *See* AAR Comment 16; BNSF Comment 12–13; UP Comment 10–11.

[38] The Board also declines to make the further refinement to URCS proposed by AAR's witnesses with regard to station clerical costs for intermodal shipments. AAR's witnesses argued that URCS may currently over-allocate station clerical costs, and asked the Board to confirm that URCS allocations are aligned with the reporting of expenses in Schedules 410 and 417 of the R–1 reports. (AAR Reply, V.S. Baranowski & Fisher 13–14.) The costs associated with station clerical are found in R–1 Schedule 410 (lines 518 to 526). The costs associated with loading and unloading of TCUs onto or off of intermodal cars are found in R–1 Subschedule 417, which is a refinement of the costs found in R–1 Schedule 410 (lines 507–517). Although the URCS worktable cited by the witnesses (Worktable D7 Part 7A) does refer to Subschedule 417, that particular worktable does not involve station clerical costs at issue here. URCS develops station clerical expenses in a separate worktable (Worktable D5 Part 1). As such, the expenses from these two schedules are properly aligned with the separate calculations of URCS station clerical expenses and intermodal loading/unloading expenses.

[39] As explained earlier, *supra* note 5 and accompanying text, URCS currently assumes movements of 50 cars or more are unit train movements due to its handling of the E/L Ratio. URCS also assumes such movements to be unit train movements because it uses certain unit train statistics reported in the R–1 reports when costing those movements (*e.g.,* train miles, locomotive unit-miles, car-miles, and gross ton-miles). The R–1 reports ask railroads to report unit train, way train, and through train data, and defines unit train service as "a specialized scheduled shuttle type service in equipment (railroad- or privately-owned) dedicated to such service, moving between origin and destination." (R–1 Schedule 755 Instructions at 92.)

[40] A unit train movement's E/L Ratio might be greater or less than 2.0 for a variety of reasons, including whether the shipment at issue is moved in railroad-owned cars or privately-owned cars. In the case of railroad-owned cars, where the rail carrier typically controls the movement of its cars across its network, a shipment may travel from point A (loading origin) to point B (unloading destination) to point C (next loading origin). If point C is closer to point B than point A, then the E/L Ratio would be less than 2.0. If, however, point C is farther from point B than point A, then the E/L Ratio would be greater than 2.0. This is in contrast, for example, to the situation involving a unit train of privately-owned cars that continually cycles between point A and point B, such that the movement's E/L Ratio would be equal to 2.0.

While some commenters supported or did not object to the proposal,[41] others disagreed. Several commenters argue that the Board should continue to use the 2.0 figure for dedicated shuttle trains.[42] ARC recommends that the Board consider requiring railroads to identify dedicated shuttle trains in the Waybill Sample so that the Board could properly apply the 2.0 figure to those movements.[43] WCTL argues that the NPR's proposal was flawed because reported car type data does not distinguish between the type of service that a car is used to provide, and that car data supplied by carriers can include data for single-car, multi-car, and unit train shipments, without distinguishing between the type of service. As such, WCTL recommends that the Board create a new shipment entry in Phase III for dedicated shuttle trains and retain the use of the 2.0 figure for those moves.[44] ACC argued that the Board's proposal cannot be adequately assessed until it determines the ratio of the equipment type used in unit train service versus non-unit train service.[45]

The Board continues to believe that URCS should apply the actual E/L Ratio as computed from the carriers' data to all shipment sizes, including unit train movements. URCS's current use of the 2.0 figure for unit train movements is meant to reflect efficiencies of that service. However, as noted, even if the reported, actual E/L Ratio for a car type used in unit train service is less than 2.0 (such that efficient service is reflected), URCS will nonetheless apply the less efficient value of 2.0, which *increases* the cost of that supposedly more efficient movement. The E/L Ratios as reported by the Class I railroads in 2012 and 2013 for car types that are often used in unit train service were reviewed.[46] That review indicates that, of the E/L Ratios reported in 2013 for car types primarily used in unit train service, the reported percentage of unit train car-miles with E/L Ratios less than 2.0 was 65% and 48% for the eastern and western Class I carriers, respectively. Of the E/L Ratios reported in 2012, the percentage of unit train car-miles with E/L Ratios less than 2.0 was 66% and 10% for the eastern and western Class I carriers, respectively.[47] This demonstrates that such shipments in those equipment types are indeed having their costs *increased* by the current efficiency adjustment. Moreover, that negative efficiency adjustment is then being added back onto single- and multi-car movements, which *decreases* costs for those smaller movements. The current application of 2.0 instead of the system-average E/L Ratio thus undermines the purpose of the efficiency adjustment.

Additionally, making changes to the Waybill Sample that would distinguish dedicated unit train service is beyond the scope of this rulemaking (which is principally focused on eliminating the make-whole adjustment in URCS and improving related allocations), and is not necessary in order to apply the E/L Ratio to unit train service for purposes of this proceeding. The E/L Ratio is reported by equipment type, and certain types of equipment are used predominantly in unit train service, such that the E/L Ratio for those equipment types will reflect unit train service. For example, the 2012 and 2013 Waybill Samples were analyzed using the proposed definition of unit train (*i.e.,* 75 cars or more, as discussed *infra*) to determine the percentage of car-miles by car type moving in single-car, multi-car, and unit train service. That analysis showed that certain car types are often used in the same type of service, particularly for those car types often used in unit train service (plain gondolas, general service open-top hoppers, and special service open-top hoppers). Therefore, the Board continues to believe that URCS should apply the E/L Ratio as computed from the carriers' data to all types of service.

4. Other Related Changes

In addition to the above changes, this Supplemental NPR also proposes the following changes related to the make-whole adjustment and/or step functions: I&I switching mileage, definition of unit train, LUMs, and train miles.

I&I Switching Mileage. Currently, URCS assumes that single-car and multi-car shipments of carload traffic (*i.e.,* non-intermodal traffic) receive I&I switching every 200 miles. Some years ago, the Board noted that this figure appeared to be outdated but that, without conducting a special study, it was unable to propose another figure to use in its place. *Review of Gen. Purpose Costing Sys.,* 2 S.T.B. 659, 665 n.18 (1997).

In the NPR, the Board proposed to update this figure to reflect the fact that, since the mergers of the 1990s, the average length of haul on individual railroads has increased. The Board noted that, based on a comparison of the average length of haul for the Class I railroads in 1990 (pre-mergers) and 2011 (post-mergers), it observed a 60% increase in the overall length of haul. The Board therefore proposed to increase the distance between I&I switches for carload traffic by 60%, from 200 miles to 320 miles. The Board also encouraged interested parties to submit data and comments on whether a 60% increase is appropriate, or whether the Board should consider a larger increase.

The few comments on this proposal generally argued that the Board should change the I&I switching mileage for carload traffic based on empirical data from the railroads.[48] In particular, ACC argued that the Board's proposal was based on a flawed assumption. ACC points out that the average length of haul is based on both unit train and non-unit train traffic, of which only the latter receives I&I switching. ACC argues that the Board assumed without basis that the ratio of unit train to non-unit train traffic has remained constant since 1990 and that the number of I&I switches on non-unit train traffic has remained constant since 1990.

UP supports the Board's attempt to update the carload I&I switching mileage, but also argues that an increase in length of haul does not necessarily equate to an increase in the carload I&I switching mileage. UP argues that the Board should base any changes to this figure on actual railroad data. To that end, UP states that it studied single-car and multi-car shipments (excluding intermodal) on its system over two years and determined that, on average, I&I switching for those shipments happens every 250 miles.[49] UP asks the Board to adopt this 250-mile figure rather than the 320-mile figure proposed in the

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[41] *See, e.g.,* AAR Comment 7 n.12 (does not object to Board's proposal); UP Comment 12–13 (supports use of E/L Ratio). *See generally* AECC Comment; BNSF Comment.

[42] ACC Reply, V.S. Mulholland 13–14; ARC Comment, V.S. Fauth 12–14; WCTL Comment 2, 11–13.

[43] ARC Comment, V.S. Fauth 12–14.

[44] WCTL Comment 2, 11–13.

[45] ACC Comment 9.

[46] Privately-owned and railroad-owned plain gondola, general service open-top hopper, and special service open-top hopper were reviewed.

[47] The percentage of E/L Ratios less than 2.0 weighted by unit train car-miles is calculated by dividing unit train car-miles for E/L Ratios less than 2.0 by the total unit train car-miles for all reported E/L Ratios.

[48] ACC Comment 9–10; ARC Comment, V.S. Fauth 14; ARC Reply, V.S. Fauth 8–9.

[49] Based on tables attached to its comment, it appears UP calculated this figure by dividing the average haul miles by the average number of switches for commodity categories at the two-digit Standard Transportation Commodity Code level in 2011 and 2012. (*See* UP Comment, App. C.)

NPR.[50] No party specifically commented on UP's study or proposed figure.

We disagree with the implication that there is no link between an increase in length of haul and an increase in I&I switching mileage. More than 70 years ago, when the ICC published the 200-mile value currently applied to carload I&I switching, the agency recognized that a longer distance in I&I switching could be explained by a greater length of haul. *See* S. Doc. No. 78–63, at 119 (1943). Since then, the railroad industry has developed significant technological improvements, has consolidated through mergers, and has optimized and reconfigured networks and yards. These, as well as other changes, allow for longer distances between I&I switches. Taken together, there is a reasonable basis to conclude that an increase in length of haul correlates to an increase in the distance between I&I switches.

In response to the comments, the Board has updated its analysis of the length of haul change between 1990 and 2011 to exclude unit train shipments, which currently do not receive I&I switching in URCS, and intermodal shipments, for which I&I occurs at a much greater distance (as explained below). Based on this revised analysis, the Board has calculated a revised average length of haul between I&I switches for carload traffic of 268 miles rather than 320 miles. *See* workpaper ''EP431S4_Length of Haul_I&I Switching.xlsx'' (calculating length of haul between 1990 and 2011). This number is close to the result of UP's study and is greater than the 200 mile value for I&I switching currently used by URCS, which may be outdated. *See* 2 S.T.B. at 665 n.18. The fact that the results from UP's study (*i.e.,* 250 miles) and the Board's revised methodology (*i.e.,* 268 miles) produced similar results suggests that these numbers provide reasonable estimates of the appropriate I&I switching mileage.[51] We encourage parties to submit additional data and comment on this topic, and specifically request comment on whether the 250-mile figure proposed by UP or the Board's 268-mile figure appropriately reflects I&I switching in railroad operations.

Next, AAR and BNSF state that there is a technical error in URCS Phase II related to I&I switching. Currently, URCS assumes an I&I switch every 4,162 miles in Phase III for intermodal shipments. However, in calculating the system-wide I&I switches for allocation in Phase II, URCS uses the 200-mile figure for intermodal that should be used only for carload shipments. AAR and BNSF ask the Board to correct this inconsistency.[52] ACC, however, objects to this request, arguing that this change is outside the scope of the present proceeding.[53]

AAR and BNSF have identified what appears to be an administrative error in fully implementing a 1997 Board decision regarding URCS. The Board believes it is appropriate to correct that error in this proceeding. As pointed out by AAR and BNSF, although URCS should apply a distance between I&I switches of 4,163 miles in Phase II, as adopted by the Board in 1997, it does not.[54] Instead, it applies the 200-mile I&I switching distance (which is used for single-car and multi-car shipments) for intermodal cars. In addition, for some time now, URCS Phase III (both the Board's waybill costing program and the interactive Phase III movement costing program) has applied a 4,162-mile I&I switching distance for intermodal movements, which is off by one mile.

In order to correct the treatment of I&I switching, an issue addressed earlier in the Supplemental NPR and therefore within the scope of this proceeding, the Supplemental NPR proposes to apply the 4,163 switching factor previously adopted by the Board for intermodal shipments in Phase II as well as Phase III. As discussed later in this decision, the Board will be issuing a revised Phase III movement costing program that conforms that program to the Board's 1997 decisions in *Review of the General Purpose Costing System,* 2 S.T.B. 659 (1997) and 2 S.T.B. 754 (1997). We will also conform the figure applied in the Board's waybill costing program to what was adopted by the Board in 1997.

Definition of Unit Train.[55] In the NPR, the Board proposed to increase the number of cars in a unit train movement from the current 50 or more cars to 80 or more cars. In this Supplemental NPR, the Board is proposing to reduce the number of cars in unit train movements to 75 or more.

In justifying the originally proposed increase to 80 or more cars, the Board noted that train lengths have increased over the years due to a variety of factors, including higher horsepower locomotives and advances in distributive power. The Board then reviewed the 2010 Waybill Sample and determined that, for shipment sizes between 50 and 90, there was a higher occurrence of 80-car movements than any other shipment size. The Board thus found that the empirical evidence supported the 80-car figure, but also sought comment on whether the Board should consider an alternate figure in defining unit train.

Although many parties either support or do not object to the Board's proposal,[56] ACC, ARC, and AECC either oppose or raise concerns regarding the proposed change. First, ACC asserts that the Board should perform a study to more appropriately determine the point at which shipments are transported as unit train shipments and the variation of this definition across commodities and regions.[57] However, as stated earlier, the Board does not believe it is necessary to commit its limited resources to conduct the type of study that ACC appears to advocate, particularly when there are other means of accounting for these impacts.

Second, ARC's witness, Fauth, argues that changing the definition of unit train to 80 cars, as was proposed in the NPR, could impact a significant amount of traffic and would likely result in increases in variable costs for shipments ranging from 50 to 79 cars and perhaps would ''deregulate'' this traffic from the Board's rate reasonableness jurisdiction.[58] It is worth noting, however, that setting the definition of unit train too low would incorrectly assign greater efficiencies to shipments in the 50 to 79 car range which would understate the costs of those shipments and inappropriately distribute those efficiencies onto single-car shipments. Both of these concerns are addressed by the Supplemental NPR's proposed definition of unit train. Specifically, the Supplemental NPR proposes to change the definition to better reflect current railroad operations so that efficiencies in URCS better reflect the principle of cost causation as articulated in the RAPB,[59] regardless of which traffic group may or may not be affected.[60] The Board, therefore, believes that the proposed unit train definition is a neutral solution that would more appropriately distribute efficiencies than current URCS does.

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[50] UP Comment 13; UP Reply 4.

[51] Although UP's study provides empirical evidence on this issue, questions remain regarding the study. For example, UP did not explain its specific methodology and underlying assumptions, nor did it explain why its study excluded certain two-digit STCC groups. Therefore, the Board is requesting comments on UP's study.

[52] AAR Comment 20–21; BNSF Comment 11 n.8.

[53] ACC Reply 12; ACC Reply, V.S. Mulholland 18.

[54] In 1997, the Board determined that intermodal shipments receive less switching than general single-car traffic, for which the distance between I&I switches was assumed to be every 200 miles. Based on data submitted by AAR, the Board adopted a 4,163-mile I&I switching distance for intermodal movements. *Review of Gen. Purpose Costing Sys.,* 2 S.T.B. 754, 755 (1997).

[55] Although the NPR used the term ''trainload,'' because URCS treats these movements as unit train, this Supplemental NPR uses the term ''unit train'' to reflect how those shipments are costed.

[56] AAR Comment 7 n.12; Montana Grain Comment 1; UP Comment 14; WCTL Comment 13. *See generally* BNSF Comment (no specific comment).

[57] ACC Comment 10; ACC Reply, V.S. Mulholland 15.

[58] ARC Comment, V.S. Fauth 15–17.

Finally, AECC argues that shipments of fewer than 80 cars are not combined with other shipments, such that the 80-car standard does not reflect current operations.[61] AECC cites to the Board's data showing that, aside from UP, none of the other major Class I railroads have an average through train length of over 58.8 cars. In its comments, AECC analyzes the through train data for three Class I carriers, which shows an average through train length of 54.4 cars.

AECC's analysis, however, accounts only for R–1 data for through trains, ignoring unit train data. The R–1 Schedule 755 Instructions define "through train" as "those trains operated between two or more major concentration or distribution point," and "unit trains" as "a specialized scheduled shuttle type service in equipment (railroad- or privately-owned) dedicated to such service, moving between origin and destination." The instructions also state that "unit trains" data is not to be included in "through" or "way" train statistics.[62] As a result, AECC's analysis of through train data (showing an average through train length of 54.4 cars) is not an appropriate basis for determining the definition of unit train service.[63]

The Board continues to believe that the existing definition of a unit train at 50 or more cars should be increased.[64] However, in light of parties' comments and further evaluation of the available data, we propose to define unit train as consisting of 75 or more cars rather than 80 or more cars. The Board believes that defining the minimum size for unit train shipments as starting at 75 cars is appropriate for two reasons. First, the Board looks to the data reported in the R–1 reports for through trains and unit trains. In the R–1 reports, unit train data is aggregated, which prohibits the minimum size of unit train from being determined. As a result, the Board is using the weighted average train size of through train and unit train data to determine the break point between these two train lengths and, accordingly, determine the lower-end size of unit train service.[65] As evidenced in workpaper "EP431S4_Unit Train Definition.xlsx," the weighted average of through train and unit train R–1 data for the Class I carriers based on 2012 data is 77.5 cars and the weighted average based on 2013 data is 73.9 cars. Both figures support the Board's proposed definition of 75 cars.

Second, the Board found that, using the NPR's initial methodology of reviewing the Waybill Sample, there is a high occurrence of 75-car movements compared to other shipment sizes between 50 cars and 90 cars according to 2012 and 2013 data.[66] Thus, based on the comments and review of available data, the Board finds that it is more appropriate to define unit train service as 75 cars or more and revises its proposal accordingly.

Locomotive Unit-Miles (LUMs). The NPR expressed concern that the current allocation for LUMs produced a step function between multi-car and unit train shipments, and therefore proposed two modifications—one for unit train shipments and one for non-unit train shipments. In this Supplemental NPR, the Board proposes a different modification that would cap the LUMs associated with multi-car shipments to be less than or equal to the LUMs allocated to the definition of a unit train shipment.

Currently, URCS calculates total LUMs by multiplying the distance of a particular movement by the average number of locomotives for that type of train. URCS then allocates these LUMs to the movement by multiplying total LUMs by a ratio of gross tons of the shipment to average gross tons of the train, such that the allocation of LUMs is based on the weight of the shipment.[67]

Although the calculation of total LUMs is the same for all shipment size categories, two values in the calculation are derived from the R–1 reports and are specific to train type (*i.e.,* way train, through train, or unit train)—the average number of locomotives and the average gross tons per train. For single-car or multi-car shipments, URCS derives these two values from a combination of the reported way and through train data. For unit train shipments, URCS derives these two values from the reported unit train data. However, URCS applies the same unit cost per LUM (which is based on an average value of way, through, and unit trains also derived from the R–1 reports) to both unit train and non-unit train shipments. The result is that URCS shifts from one cost curve to another when moving from a multi-car shipment to a unit train shipment. Thus, as explained in the NPR, a step function occurs between multi-car and unit train shipments, such that the LUM costs assigned to large multi-car shipments are higher than the LUM costs assigned to unit train shipments.[68]

To eliminate this step function, as noted, the NPR proposed two modifications to how URCS allocates LUM costs. With regard to unit train shipments, the NPR proposed to allocate the entire train's LUM costs to the trainload shipment, regardless of the gross tons of the unit train shipment relative to the average gross tons of a particular train. With regard to non-unit train shipments, the NPR proposed to base the allocation of LUM costs for single- and multi-car shipments on the number of cars in the shipment relative to the minimum number of cars of a unit train shipment.

Most commenters objected to the Board's LUMs proposals. With regard to unit train shipments, commenters argued that ignoring the relationship between a shipment's gross tons and the average gross tons of the train was problematic because it means that the weight of the train would not be factored into URCS. In particular, URCS currently assigns more LUM costs to heavier trains because heavier trains require more locomotives and consume more fuel. Commenters argued that ignoring differences in train weight would produce less appropriate costing results, and that the step function observed by the Board is not a function of the trailing weight adjustment at all. Commenters also noted that the Board's proposal was not based on empirical studies that disprove the longstanding assumption that heavier trains incur higher locomotive costs.[69]

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[59] In other words, costs would be assigned based on the operations of a service. For further discussion of cost causation, see *supra* note 21 and the accompanying text.

[60] Fauth also notes that NSR initiated a 75-car shuttle train program, which would not be considered unit train under the NPR's proposal. ARC Comment, V.S. Fauth 16. ARC and Fauth do not provide any further detail on this program; however, as discussed in this section, the Board's revised proposal would treat these 75-car shipments as unit train traffic.

[61] AECC Comment 8–10.

[62] The R–1 Schedule 755 Instructions define "way train" as "trains operated primarily to gather and distribute cars in road service and move them between way stations or way points."

[63] Using the methodology applied and the data source cited by AECC, but instead using unit train data, an average unit train length is calculated to be 104.7 cars, which also suggests that the current unit train definition of 50 cars is too low.

[64] The NPR explained that, despite the fact that the E/L Ratio would no longer be adjusted exclusively for unit train movements, the definition of unit train would continue to play a role because URCS assumes that unit train movements receive no I&I switching. Slip op. at 8. Additionally, the unit train definition determines which movements use the unit train statistics reported by the railroads and, under this revised proposal, is used in the CWB Adjustment to cause SEMs to be reduced by the same amount as is currently done by the make-whole adjustment.

[65] Through trains are assumed to be shorter than unit trains. Therefore, the weighted average train size of through and unit train data should determine the lower-end size of unit train service.

[66] The Waybill Sample reports the number of carloads in the shipment for all rail traffic.

[67] The average gross tons for different types of trains are calculated by dividing gross ton-miles by train miles, both of which are reported by Class I carriers in Schedule 755 of the R–1 reports.

[68] The step function does not occur on intermodal shipments, as URCS applies only through train data to intermodal shipments. Therefore, all intermodal shipments are treated alike, regardless of the number of TCUs in the shipment.

With regard to the modification for non-unit train movements, many commenters argued that the Board's proposal would produce less appropriate results because a car-based method is less appropriate than a shipment-weight based method. Commenters also argued that the Board's proposal had no empirical basis and that the Board's proposed adjustment did not actually solve the concern stated by the Board in the NPR.[70]

Having reviewed the comments, the Board concludes that the NPR's proposed change to LUM costs did not adequately account for shipments with heavier than system-average weights and, therefore, we are withdrawing the NPR's proposals related to LUM costs. However, considering the step function created by the current allocation, the Board finds that it is still appropriate to revise how URCS allocates LUMs.

To eliminate the step function created by the current LUM allocation, the Board proposes in Phase III to cap the LUMs allocated to multi-car shipments to be less than or equal to those allocated to a 75-car shipment (the minimum number of cars under our proposed definition of unit train).[71] Doing this allows for a continuous slope with no break points between the single-multi-car slope and the unit train slope. This proposal otherwise leaves the allocation of LUM costs the same: Unlike the NPR's proposal, the LUMs allocation would generally continue to be based on the gross tons of the shipment relative to the average gross tons of the train for both non-unit and unit train shipments. This is responsive to commenters' concerns that the LUM allocations should continue to account for shipment weight. We believe capping the LUMs is an appropriate method to eliminate the negative step function produced by the current cost allocation for LUMs. It ensures that LUM costs for large multi-car shipments are not higher than for unit train shipments, requires minimal changes to current URCS, and would impact a small percentage of traffic.[72]

Train Miles. Train mile costs have two components: Crew and other than crew. Although the NPR did not include a proposal on train miles, the Board is addressing train mile allocation in this Supplemental NPR because it also has the possibility of producing a negative or positive step function.

Currently, for single-car and multi-car shipments, URCS allocates train miles in a similar manner to LUMs by multiplying the total train miles by the ratio of the gross tons of a shipment to the average gross tons of the train. That causes train miles to increase as shipment weight increases. Unit train shipments, however, receive all train miles, regardless of the weight of the shipment relative to the average gross tons of unit trains.

The train mile allocation currently in URCS can produce a negative or positive step function between multi-car and unit train shipments (under the current definition of unit train), such that the train miles assigned to a 49-car shipment are lower or higher than the costs assigned to a 50-car shipment. Whether the step is negative or positive (or whether it exists at all) depends on the characteristics of the particular shipment.[73]

To eliminate all instances where a negative step function occurs, the Supplemental NPR proposes in Phase III to cap the train miles allocated to multi-car shipments to be less than or equal to those allocated to a 75-car shipment (the minimum number of cars under our proposed definition of unit train).[74] A positive step function is more likely to occur when the gross tons per car of the unit train shipment are very low. As such, a positive step function should rarely happen. Therefore, at this time, it is not necessary to propose a change to train miles that would eliminate the potential for positive step functions.

Other than capping the train miles allocated to multi-car shipments, this proposal would leave the allocation of train miles unchanged: Unit train shipments would continue to be allocated all the train miles, and the allocation for single-car and multi-car shipments would generally continue to be based on the gross tons of the shipment relative to the average gross tons of the train. We believe that capping the train miles as described above is an appropriate method to eliminate in most instances the potential step function for train miles. It ensures that train mile costs for large multi-car shipments are not higher than unit train shipments and requires minimal changes to current URCS.

5. Requested Modifications

Some parties made additional requests for modifications to URCS. For example, AAR and BNSF asked the Board to eliminate interterminal and intraterminal switching, but retracted that request on reply and instead requested that the Board correct an underassignment of these costs.[75] AAR and UP asked the Board to address regulatory reporting issues as they relate to positive train control and toxic-by-inhalation hazardous materials.[76] AECC proposed a number of changes relating to train and engine crew costs, private cars, fuel costs, tare weights, road property investment and depreciation, and locomotives, among others.[77] These requested modifications would greatly expand the scope of this proceeding, which the Board declines to do. The primary goal of this proceeding is to address concerns related to the make-whole adjustment and concerns that URCS created step functions, which could create the opportunity for parties to use URCS to manipulate regulatory outcomes. Because the parties have either not shown that these requested modifications are related to the make-whole adjustment or step functions, or that the requested modifications are necessary to appropriately calculate costs in URCS, the Board will not address such additional modifications in this proceeding.

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[69] AAR Comment 17–19; BNSF Comment 13–15; UP Comment 14–15.

[70] AAR Comment 17–19; BNSF Comment 13–15; UP Comment 15–16.

[71] Unlike with SEMs and station clerical, where the Supplemental NPR proposes to apply the CWB Adjustment in Phase III to redistribute efficiencies derived from economies of scale, with respect to LUMs there is no redistribution of efficiencies derived from economies of scale. In Phase II, non-unit train LUMs reflect efficiencies of "way" and "through" trains, and unit-train LUMs reflect the efficiencies inherent in unit train service, but the efficiencies of unit trains are not redistributed or added onto "way" and "through" trains in Phase III. As a result, the Board finds that the CWB Adjustment proposed in this Supplemental NPR is not applicable to LUMs. Instead, the Supplemental NPR seeks only to smooth out the step function for LUMs.

[72] This proposal for LUMs would affect only a small portion of total traffic. Although the exact shipment sizes that would be affected vary depending on, for example, the type of equipment and carrier, the impact would fall on carload shipments generally at the higher end of the multi-car range. Using 2013 Waybill Sample data, the range of shipments that would be affected is 47 to 74. Using this example, the total traffic impacted by the proposal would be less than 0.08%. See workpapers "LUMs Allocation_ClassIs.xlsx" and "LUMs Allocation_Impact.xlsx."

[73] This step function does not occur on intermodal shipments in URCS's waybill costing program, as all intermodal shipments are treated alike, regardless of the number of TCUs in the shipment.

[74] The CWB Adjustment also is not applicable to the train miles allocation for the same reasons it is not applicable to the LUMs allocation. *See supra* note 72.

[75] AAR Comment 20; AAR Reply 8–9; BNSF Comment 10–11.

[76] AAR Comment 21; UP Reply 6.

[77] AECC Comment 11–22.

6. Phase III Movement Costing Program

URCS calculates the variable costs of a movement in Phase III. There are two versions of Phase III: The waybill costing program, which calculates the variable costs of movements in the Waybill Sample, and the interactive Phase III movement costing program,[78] which calculates variable costs based on user-supplied information. The waybill costing program calculates the make-whole factors, whereas the interactive Phase III movement costing program applies the make-whole factors and uses them to estimate movement specific costs. The Board is aware of certain technical inconsistencies between the waybill costing program and the movement costing program (*e.g.,* efficiency adjustments for intermodal shipments), and between both costing programs and the Board's 1997 decisions in *Review of General Purpose Costing System,* 2 S.T.B. 659 (1997) and 2 S.T.B. 754 (1997) (*e.g.,* the distance between I&I switches for intermodal movements). Because this proceeding addresses issues relating to intermodal movements, and these technical issues pertain to intermodal movements, we note here that the Board will be releasing a revised Phase III movement costing program to reconcile these inconsistencies. Because the technical corrections that will be made would merely implement procedures previously adopted after notice and opportunity for comment, the revised Phase III movement costing program will be effective upon release.

The revised Phase III movement costing program will not include the proposals in this Supplemental NPR. The Board will release a further revised Phase III movement costing program to implement any modifications adopted by final rule in this proceeding.

7. Implementation

Several commenters noted that the NPR did not address how its proposal, if adopted, would be implemented.[79] The proposal here would impact calculations that use multiple years of URCS data. For example, the Board's Office of Economics annually calculates the Class I carriers' revenue shortfall allocation methodology (RSAM) figure and revenue-to-variable cost greater than 180% (R/VC>180) ratios, as well as their four-year averages. *See, e.g., Simplified Standards for Rail Rate Cases—2013 RSAM & R/VC>180 Calculations,* EP 689 (Sub-No. 6) (STB served Sept. 3, 2015). For these types of annual calculations, the Board proposes to apply the proposed changes prospectively. This means that, for calculations that require multiple years of data—such as RSAM or R/VC>180—there would be a brief period where the averages include data calculated under URCS' current methodology and under the proposed methodology described herein. The Board does not believe that the changes proposed here need to be applied retroactively to these types of calculations. Although the Board believes these proposals will improve our current costing procedures, the proposed changes are simply refinements to URCS, which has been in effect for over 20 years and has been relied on by industry participants and the public. Therefore, the prior URCS calculations using the current costing procedures will remain in effect. As the Board strives to improve various aspects of URCS, we see no reason to revisit otherwise final calculations that have been and are relied upon by the public. *See, e.g., AEP Tex. N. Co.* v. *BNSF Ry.,* NOR 41191 (Sub-No. 1), slip op. at 7–10 (STB served May 15, 2009).

Conclusion

We believe that the revised proposals described above would remedy most concerns about step functions currently in URCS, generally produce costs that better reflect the current state of rail industry operations, and are responsive to parties' criticisms of the NPR. We therefore invite public comment on each of the proposals described herein.

Additional information supporting the Board's revised proposal is contained in the Board's decision (including appendices) served on August 4, 2016. To obtain a copy of this decision, visit the Board's Web site at *http://www.stb.dot.gov* or contact the Board's Office of Public Assistance, Governmental Affairs, and Compliance at (202) 245–0238.

Regulatory Flexibility Act

The Regulatory Flexibility Act of 1980 (RFA), 5 U.S.C. 601–612, generally requires a description and analysis of new rules that would have a significant economic impact on a substantial number of small entities. In drafting a rule, an agency is required to: (1) Assess the effect that its regulation will have on small entities; (2) analyze effective alternatives that may minimize a regulation's impact; and (3) make the analysis available for public comment. 5 U.S.C. 601–604. In its notice of proposed rulemaking, the agency must either include an initial regulatory flexibility analysis, 603(a), or certify that the proposed rule would not have a "significant impact on a substantial number of small entities," 605(b).

Because the goal of the RFA is to reduce the cost to small entities of complying with federal regulations, the RFA requires an agency to perform a regulatory flexibility analysis of small entity impacts only when a rule directly regulates those entities. In other words, the impact must be a direct impact on small entities "whose conduct is circumscribed or mandated" by the proposed rule. *White Eagle Coop. Ass'n* v. *Conner,* 553 F.3d 467, 478, 480 (7th Cir. 2009). An agency has no obligation to conduct a small entity impact analysis of effects on entities that it does not regulate. *United Dist. Cos.* v. *FERC,* 88 F.3d 1105, 1170 (D.C. Cir. 1996).

This proposal will not have a significant economic impact upon a substantial number of small entities, within the meaning of the RFA. The purpose of our changes to URCS is to improve the Board's general purpose costing system, which is used to develop regulatory cost estimates for the Class I rail carriers. These changes will result in more appropriate estimates of Class I carrier variable costs. Therefore, the Board certifies under 49 U.S.C. 605(b) that this proposed rule, if promulgated, will not have a significant economic impact on a substantial number of small entities within the meaning of the RFA.

Paperwork Reduction Act

In the NPR, the Board proposed changes to two of its reporting requirements, and therefore sought comment on two collections of information pursuant to the Paperwork Reduction Act, 44 U.S.C. 3501–3549. Those modified collections were submitted to the Office of Management and Budget (OMB) for review. Because we are no longer proposing changes to the Board's reporting requirements, we are withdrawing the Board's requests to OMB for approval of those modifications.

It is ordered:

1. The Board proposes to adjust URCS as detailed in this decision. Notice of this decision will be published in the **Federal Register**.

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[78] The current version of the Phase III movement costing program (titled "URCS Phase III Railroad Cost Program") is available at *http://www.stb.dot.gov/stb/industry/urcs.html. See also supra* note 2.

[79] AAR Comment 19–20; ACC Comment 4, V.S. Mulholland 6–7; BNSF Comment 15; UP Comment 18.

2. To assist commenters in reviewing this revised proposal, the Board will make its workpapers available to commenters subject to the customary Confidentiality Agreement.

3. Comments are due by October 11, 2016; replies are due by November 7, 2016.

4. A copy of this decision will be served upon the Chief Counsel for Advocacy, Office of Advocacy, U.S. Small Business Administration.

5. This decision is effective on its service date.

Decided: August 2, 2016.

By the Board, Chairman Elliott, Vice Chairman Miller, and Commissioner Begeman.

Tia Delano,

Clearance Clerk.

[FR Doc. 2016–18806 Filed 8–9–16; 8:45 am]

BILLING CODE 4915–01–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

[Docket No. FWS–R2–ES–2016–0077; 4500030113]

RIN 1018–BB34

Endangered and Threatened Wildlife and Plants; Endangered Species Status for Texas Hornshell

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), propose to list the Texas hornshell (*Popenaias popeii*), a freshwater mussel species from New Mexico and Texas, as an endangered species under the Endangered Species Act (Act). If we finalize this rulemaking as proposed, it would extend the Act's protections to this species.

DATES: We will accept comments received or postmarked on or before October 11, 2016. Comments submitted electronically using the Federal eRulemaking Portal (see **ADDRESSES**, below) must be received by 11:59 p.m. Eastern Time on the closing date. We must receive requests for public hearings, in writing, at the address shown in **FOR FURTHER INFORMATION CONTACT** by September 26, 2016.

ADDRESSES: You may submit comments by one of the following methods:

(1) *Electronically:* Go to the Federal eRulemaking Portal: *http://www.regulations.gov.* In the Search box, enter FWS–R2–ES–2016–0077, which is the docket number for this rulemaking. Then, in the Search panel on the left side of the screen, under the Document Type heading, click on the Proposed Rules link to locate this document. You may submit a comment by clicking on "Comment Now!"

(2) *By hard copy:* Submit by U.S. mail or hand-delivery to: Public Comments Processing, Attn: FWS–R2–ES–2016–0077, U.S. Fish and Wildlife Service, MS: BPHC, 5275 Leesburg Pike, Falls Church, VA 22041–3803.

We request that you send comments only by the methods described above. We will post all comments on *http://www.regulations.gov.* This generally means that we will post any personal information you provide us (see *Public Comments,* below, for more information).

FOR FURTHER INFORMATION CONTACT: Chuck Ardizzone, U.S. Fish and Wildlife Service, Texas Coastal Ecological Services Field Office, 17629 El Camino Real #211, Houston, TX 77058; by telephone 281–286–8282; or by facsimile 281–488–5882. Persons who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 800–877–8339.

SUPPLEMENTARY INFORMATION:

Executive Summary

Why we need to publish a rule. Under the Act, if a species is determined to be an endangered or threatened species throughout all or a significant portion of its range, we are required to promptly publish a proposal in the **Federal Register** and make a determination on our proposal within 1 year. Critical habitat shall be designated, to the maximum extent prudent and determinable, for any species determined to be an endangered or threatened species under the Act. Listing a species as an endangered or threatened species and designations and revisions of critical habitat can only be completed by issuing a rule.

This rulemaking proposes the listing of the Texas hornshell (*Popenaias popeii*) as an endangered species. The Texas hornshell is a candidate species for which we have on file sufficient information on biological vulnerability and threats to support preparation of a listing proposal, but for which development of a listing regulation has been precluded by other higher priority listing activities. This proposed rule reassesses all available information regarding the status of and threats to the Texas hornshell.

The basis for our action. Under the Act, we can determine that a species is an endangered or threatened species based on any of five factors, acting alone or in combination: (A) The present or threatened destruction, modification, or curtailment of its habitat or range; (B) overutilization for commercial, recreational, scientific, or educational purposes; (C) disease or predation; (D) the inadequacy of existing regulatory mechanisms; or (E) other natural or manmade factors affecting its continued existence. We have determined that the Texas hornshell is in danger of extinction due to habitat loss from loss of water flow, decreased water quality, and increased accumulation of fine sediments (Factor A) and predation (Factor C).

We will seek peer review. We will seek comments from independent specialists to ensure that our determination is based on scientifically sound data, assumptions, and analyses. We will invite these peer reviewers to comment on our listing proposal. Because we will consider all comments and information we receive during the comment period, our final determination may differ from this proposal.

We prepared a species status assessment report (SSA report) for the Texas hornshell. The SSA report documents the results of the comprehensive biological status review for the Texas hornshell and provides an account of the species' overall viability through forecasting of the species' condition in the future (Service 2016, entire). We received feedback from four scientists with expertise in freshwater mussel biology, ecology, and genetics as peer review of the SSA report. The reviewers were generally supportive of our approach and made suggestions and comments that strengthened our analysis. The SSA report and other materials relating to this proposal can be found at *http://www.regulations.gov* under Docket No. FWS–R2–ES–2016–0077.

Information Requested

Public Comments

We intend that any final action resulting from this proposed rule will be based on the best scientific and commercial data available and be as accurate and as effective as possible. Therefore, we request comments or information from other concerned governmental agencies, Native American tribes, the scientific community, industry, or any other interested parties concerning this proposed rule. We particularly seek comments concerning:

(1) The Texas hornshell's biology, range, and population trends, including:

(a) Biological or ecological requirements of the species, including habitat requirements for feeding and spawning;

(b) Genetics and taxonomy;

(c) Historical and current range, including distribution patterns;

(d) Historical and current population levels, and current and projected trends; and

(e) Past and ongoing conservation measures for the species, its habitat, or both.

(2) Factors that may affect the continued existence of the species, which may include habitat modification or destruction, overutilization, disease, predation, the inadequacy of existing regulatory mechanisms, or other natural or manmade factors.

(3) Biological, commercial trade, or other relevant data concerning any threats (or lack thereof) to this species and existing regulations that may be addressing those threats.

(4) Additional information concerning the historical and current status, range, distribution, and population size of this species, including the locations of any additional populations of this species, particularly in Mexico.

(5) Information related to climate change within the range of the Texas hornshell and how it may affect the species' habitat.

(6) The reasons why areas should or should not be designated as critical habitat as provided by section 4 of the Act (16 U.S.C. 1531 *et seq.*)

(7) Specific information on:

(a) The amount and distribution of habitat for the Texas hornshell;

(b) What areas, that are currently occupied and that contain the physical and biological features essential to the conservation of the Texas hornshell, should be included in a critical habitat designation and why;

(c) Special management considerations or protection that may be needed for the essential features in potential critical habitat areas, including managing for the potential effects of climate change; and

(d) What areas not occupied at the time of listing are essential for the conservation of the species and why.

Please include sufficient information with your submission (such as scientific journal articles or other publications) to allow us to verify any scientific or commercial information you include.

Please note that submissions merely stating support for or opposition to the action under consideration without providing supporting information, although noted, will not be considered in making a determination, as section 4(b)(1)(A) of the Act directs that determinations as to whether any species is an endangered or threatened species must be made "solely on the basis of the best scientific and commercial data available."

You may submit your comments and materials concerning this proposed rule by one of the methods listed in **ADDRESSES**. We request that you send comments only by the methods described in **ADDRESSES**.

If you submit information via *http://www.regulations.gov,* your entire submission—including any personal identifying information—will be posted on the Web site. If your submission is made via a hardcopy that includes personal identifying information, you may request at the top of your document that we withhold this information from public review. However, we cannot guarantee that we will be able to do so. We will post all hardcopy submissions on *http://www.regulations.gov.*

Comments and materials we receive, as well as supporting documentation we used in preparing this proposed rule, will be available for public inspection on *http://www.regulations.gov,* or by appointment, during normal business hours, at the U.S. Fish and Wildlife Service, Texas Coastal Ecological Services Field Office (see **FOR FURTHER INFORMATION CONTACT**).

Public Hearing

Section 4(b)(5) of the Act provides for one or more public hearings on this proposal, if requested. Requests must be received within 45 days after the date of publication of this proposed rule in the **Federal Register** (see **DATES**, above). Such requests must be sent to the address shown in **FOR FURTHER INFORMATION CONTACT**. We will schedule public hearings on this proposal, if any are requested, and announce the dates, times, and places of those hearings, as well as how to obtain reasonable accommodations, in the **Federal Register** and local newspapers at least 15 days before the hearing.

Peer Review

In accordance with our joint policy on peer review published in the **Federal Register** on July 1, 1994 (59 FR 34270), we will seek the expert opinions of five appropriate and independent specialists regarding this proposed rule. The purpose of peer review is to ensure that our listing determination is based on scientifically sound data, assumptions, and analyses. We invite comment from the peer reviewers during the public comment period on this proposed rule.

Previous Federal Actions

We identified the Texas hornshell as a Category 2 candidate species in our January 6, 1989, Review of Vertebrate Wildlife (54 FR 554). Category 2 candidates were defined as species for which we had information that proposed listing was possibly appropriate, but conclusive data on biological vulnerability and threats were not available to support a proposed rule at the time. The species remained a Category 2 candidate in subsequent annual candidate notices of review (CNOR) (56 FR 58804, November 21, 1991, and 59 FR 58982, November 15, 1994). In the February 28, 1996, CNOR (61 FR 7596), we discontinued the designation of Category 2 species as candidates; therefore, the Texas hornshell was no longer a candidate species.

Subsequently, in 2001, the Texas hornshell was added to the candidate list (66 FR 54808, October 30, 2001). Candidates are those fish, wildlife, and plants for which we have on file sufficient information on biological vulnerability and threats to support preparation of a listing proposal, but for which development of a listing rule is precluded by other higher priority listing activities. The Texas hornshell was included in all of our subsequent annual CNORs (67 FR 40657, June 13, 2002; 69 FR 24876, May 4, 2004; 70 FR 24870, May 11, 2005; 71 FR 53756, September 12, 2006; 72 FR 69034, December 6, 2007; 73 FR 75176, December 10, 2008; 74 FR 57804, November 9, 2009; 75 FR 69222, November 10, 2010; 76 FR 66370, October 26, 2011; 77 FR 69994, November 21, 2012; 78 FR 70104; November 22, 2013; 79 FR 72450, December 5, 2014; and 80 FR 80584, December 24, 2015). On May 11, 2004, we were petitioned to list the Texas hornshell, although no new information was provided in the petition. Because we had already found the species warranted listing, no further action was taken on the petition.

On September 9, 2011, the Service entered into two settlement agreements regarding species on the candidate list at that time (Endangered Species Act Section 4 Deadline Litigation, No. 10–377 (EGS), MDL Docket No. 2165 (D.D.C. May 10, 2011)). This proposed listing rule fulfills the requirements of those settlement agreements for the Texas hornshell.

Background

A thorough review of the taxonomy, life history, ecology, and overall viability of the Texas hornshell

(*Popenaias popeii*) is presented in the Species Status Assessment Report for the Texas Hornshell (SSA report) (Service 2016; available at *http://www.regulations.gov*). The SSA report documents the results of the comprehensive biological status review for the Texas hornshell and provides an account of the species' overall viability through forecasting of the species' condition in the future (Service 2016, entire). In the SSA report, we summarized the relevant biological data and a description of past, present, and likely future stressors and conducted an analysis of the viability of the species. The SSA report provides the scientific basis that informs our regulatory decision regarding whether this species should be listed as an endangered or threatened species under the Act. This decision involves the application of standards within the Act, its implementing regulations, and Service policies (see Determination, below). The SSA report contains the risk analysis on which this determination is based, and the following discussion is a summary of the results and conclusions from the SSA report. We solicited peer review of the draft SSA report from five qualified experts. We received responses from four of the reviewers, and we modified the SSA report as appropriate.

Species Description

The Texas hornshell is a medium sized (3 to 4 inches long) freshwater mussel with a dark brown to green, elongate, laterally compressed shell (Howells *et al.* 1996, p. 93; Carman 2007, p. 2). The Texas hornshell was described by Lea (1857, p. 102) from the Devils River in Texas and Rio Salado in Mexico. Currently, the Texas hornshell is classified in the unionid subfamily Ambleminae (Campbell *et al.* 2005, pp. 140, 144) and is considered a valid taxon by the scientific community (Turgeon *et al.* 1998, p. 36).

Freshwater mussels, including the Texas hornshell, have a complex life history. Males release sperm into the water column, which are taken in by the female through the incurrent siphon (the tubular structure used to draw water into the body of the mussel). The sperm fertilizes the eggs, which are held during maturation in an area of the gills called the marsupial chamber. The developing larvae remain in the gill chamber until they mature and are ready for release. These mature larvae, called glochidia, are obligate parasites (cannot live independently of their hosts) on the gills, head, or fins of fishes (Vaughn and Taylor 1999, p. 913). Glochidia die if they fail to find a host fish, attach to a fish that has developed immunity from prior infestations, or attach to the wrong location on a host fish (Neves 1991, p. 254; Bogan 1993, p. 599). Glochidia encyst (enclose in a cyst-like structure) on the host's tissue, draw nutrients from the fish, and develop into juvenile mussels weeks or months after attachment (Arey 1932, pp. 214–215).

For the Texas hornshell, spawning generally occurs from March through August (Smith *et al.* 2003, p. 335), and fertilized eggs are held in the marsupial chambers of females for 4 to 6 weeks (Smith *et al.* 2003, p. 337). Glochidia are released in a sticky mucous net or string (Carman 2007, p. 9); the host fish likely swim into the nets, and the glochidia generally attach to the face or gills of the fish and become encysted in its tissue (Levine *et al.* 2012, pp. 1858). The glochidia will remain encysted for about a month through transformation to the juvenile stage. Once transformed, the juveniles will excyst from the fish and drop to the substrate. The known primary host fishes for the Texas hornshell are river carpsucker (*Carpiodes carpio*), grey redhorse (*Moxostoma congestum*), and red shiner (*Cyprinella lutrensis*) (Levine *et al.* 2012, pp. 1857–1858).

Mussels are generally immobile but experience their primary opportunity for dispersal and movement within the stream as glochidia attached to a mobile host fish (Smith 1985, p. 105). Upon release from the host, newly transformed juveniles drop to the substrate on the bottom of the stream. Those juveniles that drop in unsuitable substrates die because their immobility prevents them from relocating to more favorable habitat. Juvenile freshwater mussels burrow into interstitial substrates and grow to a larger size that is less susceptible to predation and displacement from high flow events (Yeager *et al.* 1994, p. 220). Throughout the rest of their life cycle, mussels generally remain within the same small area where they excysted from the host fish.

Life span is not known for the Texas hornshell, although two adult individuals were captured and marked in the Black River in New Mexico in 1997, and were recaptured 15 years later (Inoue *et al.* 2014, p. 5). Species in the subfamily Ambleminae, which includes Texas hornshell, commonly live more than 20 years (Carman 2007, p. 9), so we assume the Texas hornshell can live at least 20 years.

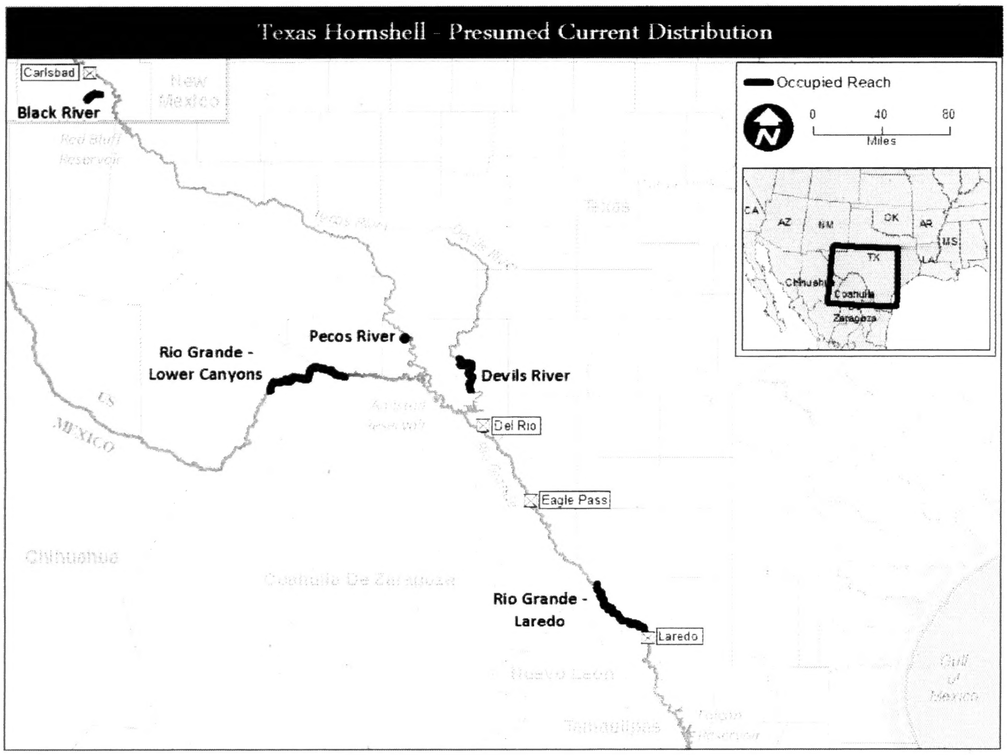
Little is known about the specific feeding habits of Texas hornshell. Like all adult freshwater mussels, Texas hornshell are filter feeders, siphoning suspended phytoplankton and detritus from the water column (Yeager et al. 1994, p. 221; Carman 2007, p. 8).

Habitat and Range

Adult Texas hornshell occur in medium to large rivers, in habitat not typical for most mussel species: In crevices, undercut riverbanks, travertine shelves, and under large boulders adjacent to runs (Carman 2007, p. 6; Randklev *et al.* 2015, p. 8), although in the Devils River, the species is found in gravel beds at the heads of riffles and rapids (Randklev *et al.* 2015, p. 8). Small-grained material, such as clay, silt, or sand, gathers in these crevices and provides suitable anchoring substrate. These crevices are considered to be flow refuges from the large flood events that occur regularly in the rivers this species occupies. Texas hornshell are able to use these flow refuges to avoid being swept away as large volumes of water move through the system, as there is relatively little particle movement in the flow refuges, even during flooding (Strayer 1999, p. 472). Texas hornshell are not known from lakes, ponds, or reservoirs.

The Texas hornshell historically ranged throughout the Rio Grande drainage in the United States (New Mexico and Texas) and Mexico as well as Mexican Gulf Coast streams south to the northern Mexican state of Veracruz (Johnson 1999, p. 23). Currently, five known populations of Texas hornshell remain in the United States: Black River (Eddy County, New Mexico), Pecos River (Val Verde County, Texas), Devils River (Val Verde County, Texas), Lower Canyons of the Rio Grande (Brewster and Terrell Counties, Texas), and Lower Rio Grande near Laredo (Webb County, Texas) (Map 1). They are described briefly below.

Map 1. Presumed Current Distribution of Texas Hornshell


Texas Hornshell - Presumed Current Distribution
Occupied Reach
0 40 80
Miles
Carlsbad
Black River
New Mexico
Red Bluff Reservoir
Pecos River
Texas
Rio Grande - Lower Canyons
Devils River
US
MEXICO
Del Rio
Eagle Pass
Chihuahua
Coahuila De Zaragoza
Rio Grande - Laredo
Laredo
Nuevo Leon
Tamaulipas
Gulf of Mexico
CA
AZ
NM
OK
AR
MS
LA
TX
Chihuahua
Coahuila
Zaragoza

Black River: The Black River, in Eddy County, New Mexico, originates from several groundwater-fed springs and flows approximately 30 miles (mi) (48 kilometers (km)) through the Chihuahuan Desert until its confluence with the Pecos River (Inoue *et al.* 2014, p. 3) near Malaga, New Mexico. Extensive population monitoring (Lang 2001, entire; 2006, entire; 2010, entire; 2011, entire) and a long-term mark-recapture study (Inoue *et al.* 2014, entire) have yielded significant information about the population size and extent. Texas hornshell occur in approximately 8.7 mi (14.0 km) of the middle Black River, between two low-head (small) dams (Lang 2001, p. 20). The total population size has been estimated at approximately 48,000 individuals (95 percent confidence interval: 28,849–74,127) (Inoue *et al.* 2014, p. 7), with a diversity of size classes, primarily aggregated in flow refuges within narrow riffles. The population remained relatively stable over the 15 year study period from 1997 to 2012 (Inoue *et al.* 2014, p. 6).

Pecos River: In the Pecos River, inundation from Amistad Reservoir has resulted in the extirpation of Texas hornshell from the lower reaches of the river. Additionally, salinity levels are too high for freshwater mussel habitation in much of the Pecos River from the confluence with the Black River in New Mexico, downstream to the confluence with Independence Creek. However, three live Texas hornshell were collected from a small section of the Pecos River downstream of the confluence with Independence Creek and upstream of Amistad Reservoir near Pandale in Val Verde County, Texas, as well as 37 shells (Bosman *et al.* 2016, p. 6; Randklev *et al.* 2016, p. 9). Farther downstream, only dead shells were found in 2016, although they were numerous (Bosman *et al.* 2016, p. 6; Randklev *et al.* 2016, p. 9). Live individuals had not been collected at this location since 1973 (Randklev *et al.* 2016, p. 4).

Because the sample size of live individuals is so small (three live individuals found in recent months), it is difficult to draw many conclusions about the population. The population appears to be extremely small, and no evidence of reproduction was noted.

Devils River: Texas hornshell were historically found in the Devils River and were known to occupy only the lower reaches of the river, which are currently inundated by Amistad Reservoir (Neck 1984, p. 11; Johnson 1999, p. 23; Burlakova and Karatayev 2014, p. 19). In recent years, 11 individuals were collected from upstream in the Devils River between 2008 and 2014 (Burlakova and Karatayev 2014, p. 16; Karatayev *et al.* 2015, p. 4). More intensive surveys conducted in 2014 and 2015, including 11 sites, have yielded 48 individuals at two sites: All from The Nature Conservancy's Dolan Falls Preserve except for a singleton at the Devils River State Natural Area's Dan A. Hughes Unit (formerly known as the Big Satan Unit) (Randklev *et al.* 2015, pp. 6–7). Because of the increased number of individuals collected in 2014 and 2105, it is likely that the Devils River population is more numerous than previously thought, although we do not expect that this population is particularly large based on the limited number of collections to date. Interestingly, Texas hornshell in the Devils River occupy different habitats than those in the rest of the range; instead of being found under rock slabs and in travertine shelves, they occupy gravel beds at the heads of riffles or in clean-swept pools with bedrock (Randklev *et al.* 2015, p. 8). Even though the number of collected individuals is small, several young individuals were found, as well as females brooding glochidia (gravid females) (Randklev *et al.* 2015, p. 8), indicating reproduction and recruitment (offspring survive to join the reproducing population) are occurring in the Devils River population.

Rio Grande—Lower Canyons: One of two remaining populations of Texas hornshell in the Rio Grande is found in the Lower Canyons, just downstream of Big Bend National Park, in Terrell County, Texas. Burlakova and Karatayev (2014, p. 16) found the species in low density (approximately 40 individuals per km) in this region of the Rio Grande. Subsequent surveys by Randklev *et al.* (2015, entire) confirmed the presence of Texas hornshell in approximately 18.5 mi (30 km) of the Lower Canyons in two sections, finding that the species occupies approximately 63 percent of sites with suitable (rocky) habitat. For purposes of this analysis, we presume the entire section between these collections, approximately 62 mi (100 km), is occupied. Sites in the Rio Grande—Lower Canyons reach vary in density, with the densest sites near Sanderson Canyon, Terrell County, Texas, and decreasing downstream (Randklev *et al.* 2015, p. 13); the average density of Texas hornshell at each site is lower compared to the Black River and Rio Grande—Laredo (5 ± 14 individuals per site). Texas hornshell may occur between the known occupied sections, near the confluence with San Francisco Creek (Howells 2001a, p. 6), but limited access has prevented recent surveys from determining current occupancy of this reach. Young individuals and gravid females have been found throughout the Lower Canyons reach, indicating recruitment is occurring (Randklev *et al.* 2015, p. 8).

Rio Grande—Laredo: The largest Texas hornshell population occurs from Laredo, Texas (near La Bota Ranch just northwest of Laredo), upstream approximately 56 mi (90 km) (Randklev *et al.* 2015, p. 7). The density in this reach is high, with some habitat patches containing more than 8,000 individuals (Karatayev *et al.* 2015, p. 4) and 100 percent of surveyed patches of suitable habitat containing Texas hornshell (Randklev *et al.* 2015, p. 7). Throughout this reach, the density of Texas hornshell is estimated 170 ± 131 individuals per suitable (rocky) habitat site (Randklev *et al.* 2015, p. 7). Young individuals and gravid females have been found throughout the Laredo reach, indicating reproduction and recruitment are occurring (Randklev *et al.* 2015, p. 8). No live Texas hornshell have been found downstream of the city of Laredo in recent years.

Mexico: A large portion of the Texas hornshell's estimated historical range is in Mexico. The species occurred in the Rio Salado basin, which is a tributary to the Rio Grande in Mexico, and in approximately 15 rivers that flow into the Gulf of Mexico. At one time, one-half to two-thirds of the species' range may have been in Mexico. Unfortunately, the most recent live collections of Texas hornshell in Mexico occurred in the 1980s (Mussel Project 2015, entire), and we have very few records of surveys with positive or negative collection data since that time. We have no information on population size or extent during those times of collection, and we also have no information on whether populations of Texas hornshell still occur in one or more of these streams; therefore, we have very low confidence in the species' current condition throughout most of the Mexican range. One or more of these populations may still be extant, or they may all be extirpated.

Species Needs

Texas hornshell need seams of fine sediment in crevices, undercut riverbanks, travertine shelves, and large boulders in riverine ecosystems with flowing water and periodic cleansing flows to keep the substrate free of fine sediment accumulation. They need water quality parameters to be within a suitable range (*i.e.,* dissolved oxygen above 3 milligrams/liter (mg/L), salinity below 0.9 parts per thousand, and ammonia below 0.7 mg/L (Sparks and Strayer 1998, p. 132; Augspurger *et al.* 2003, p. 2574; Augspurger *et al.* 2007, p. 2025; Carman 2007, p. 6)) and phytoplankton as food. Finally, Texas hornshell need host fish to be present during times of spawning.

We describe the Texas hornshell's viability by characterizing the status of the species in terms of its resiliency (ability of the populations to withstand stochastic events), redundancy (ability of the species to withstand large-scale, catastrophic events), and representation (the ability of the species to adapt to changing environmental conditions). Using various time frames and the current and projected resiliency, redundancy, and representation, we describe the species' level of viability over time. For the Texas hornshell to maintain viability, its populations or some portion thereof must be resilient. A number of factors influence the resiliency of Texas hornshell populations, including occupied stream length, abundance, and recruitment. Elements of Texas hornshell habitat that determine whether Texas hornshell populations can grow to maximize habitat occupancy influence those factors, thereby increasing the resiliency of populations. These resiliency factors and habitat elements are discussed here.

Occupied Stream Length: Most freshwater mussels, including Texas hornshell, are found in aggregations, called mussel beds, that vary in size from about 50 to greater than 5,000 square meters (m^2) (540 to greater than 53,800 square feet (ft^2)), separated by stream reaches in which mussels are absent or rare (Vaughn 2012, p. 983). Resilient Texas hornshell populations must occupy stream reaches sufficient in length such that stochastic events that affect individual mussel beds do not eliminate the entire population. Repopulation by fish infested with Texas hornshell glochidia from other mussel beds within the reach, if present and connected, can allow the population to recover from these events.

Abundance: Mussel abundance in a given stream reach is a product of the number of mussel beds times the density of mussels within those beds. For populations of Texas hornshell to be resilient, there must be many mussel beds of sufficient density (~200 individuals per 150 m^2 (1,614 ft^2); see SSA report for more discussion) such that local stochastic events do not necessarily eliminate the bed(s), allowing the mussel bed and the overall population in the stream reach to recover from any one event. We measure Texas hornshell abundance by the number of beds within the population, and the estimated density of Texas hornshell within each.

Reproduction: Resilient Texas hornshell populations must also be reproducing and recruiting young individuals into the reproducing population. Population size and abundance reflects previous influences on the population and habitat, while reproduction and recruitment reflect population trends that may be stable, increasing, or decreasing. Detection of very young juvenile mussels during routine abundance and distribution surveys happens extremely rarely due to sampling bias; sampling for this species involves tactile searches, and mussels below about 35 millimeters (mm) (1.4

inches (in)) are very hard to detect. Therefore, reproduction is verified by repeatedly capturing small-sized individuals near the low end of the detectable range size (about 35 mm (1.4 in)) over time and by capturing gravid females during the reproductively active time of year (generally, March through August (Smith *et al.* 2003, p. 335)).

Substrate: Texas hornshell occur in flow refuges such as crevices, undercut riverbanks, travertine shelves, and large boulders. These refuges must have seams of clay or other fine sediments within which the mussels may anchor, but not so much excess sediment that the mussels are smothered. Those areas with clean-swept substrate with seams of fine sediments are considered to have suitable substrate, and those with copious fine sediment both in crevices and on the stream bottom are considered less suitable.

Flowing Water: Texas hornshell need flowing water for survival. They are not found in lakes or in pools without flow, or in areas that are regularly dewatered. River reaches with continuous flow are considered suitable habitat, while those with little or no flow are considered not suitable.

Water Quality: Freshwater mussels, as a group, are sensitive to changes in water quality parameters such as dissolved oxygen, salinity, ammonia, and pollutants (*i.e.,* dissolved oxygen above 3 mg/L, salinity below 0.9 parts per thousand, and ammonia below 0.7 mg/L (Sparks and Strayer 1998, p. 132; Augspurger *et al.* 2003, p. 2574; Augspurger *et al.* 2007, p. 2025; Carman 2007, p. 6)). Habitats with appropriate levels of these parameters are considered suitable, while those habitats with levels outside of the appropriate ranges are considered less suitable.

Maintaining representation in the form of genetic or ecological diversity is important to maintain the Texas hornshell's capacity to adapt to future environmental changes. Texas hornshell populations in the Rio Grande and Devils River (and, presumably, the Pecos River, due to its proximity to Rio Grande populations) have distinct variation in allele frequencies from those in the Black River (Inoue *et al.* 2015, p. 1916). We expect additional variation was present in Mexican populations. Mussels, like Texas hornshell, need to retain populations throughout their range to maintain the overall potential genetic and life-history attributes that can buffer the species' response to environmental changes over time (Jones *et al.* 2006, p. 531). The Texas hornshell has likely lost genetic diversity as populations have been extirpated. As such, maintaining the remaining representation in the form of genetic diversity may be important to the capacity of the Texas hornshell to adapt to future environmental change.

Finally, the Texas hornshell needs to have multiple resilient populations distributed throughout its range to provide for redundancy, the ability of the species to withstand catastrophic events. The more populations, and the wider the distribution of those populations, the more redundancy the species will exhibit. Redundancy reduces the risk that a large portion of the species' range will be negatively affected by a catastrophic natural or anthropogenic event at a given point in time. Species that are well-distributed across their historical range are considered less susceptible to extinction and have higher viability than species confined to a small portion of their range (Carroll *et al.* 2010, entire; Redford *et al.* 2011, entire).

Summary of Biological Status and Threats

The Act directs us to determine whether any species is an endangered species or a threatened species because of any factors affecting its continued existence. We completed a comprehensive assessment of the biological status of the Texas hornshell, and prepared a report of the assessment, which provides a thorough account of the species' overall viability. In this section, we summarize the conclusions of that assessment, which can be accessed at Docket No. FWS–R2–ES–2016–0077 on *http://www.regulations.gov.*

Risk Factors

We reviewed the potential risk factors (*i.e.,* threats, stressors) that could be affecting the Texas hornshell now and in the future. In this proposed rule, we will discuss only those factors in detail that could meaningfully impact the status of the species. Those risks that are not known to have effects on Texas hornshell populations, such as collection and disease, are not discussed here. The primary risk factors (*i.e.,* threats) affecting the status of the Texas hornshell are: (1) Increased fine sediment (Factor A from the Act), (2) water quality impairment (Factor A), (3) loss of flowing water (Factor A), (4) barriers to fish movement (Factor E), and (5) increased predation (Factor C). These factors are all exacerbated by climate change. Finally, we reviewed the conservation efforts being undertaken for the species.

Increased Fine Sediment

Texas hornshell require seams of fine sediment under boulders and bedrock and in streambanks in order to anchor themselves into place on the stream bottom; however, too much fine sediment can fill in these crevices and smother any mussels within those spaces. Under natural conditions, fine sediments collect on the streambed and in crevices during low flow events, and they are washed downstream during high flow events (also known as cleansing flows). However, the increased frequency of low flow events (from groundwater extraction, instream surface flow diversions, and drought), combined with a decrease in cleansing flows (from reservoir management and drought), has caused sediment to accumulate to some degree at all populations. When water velocity decreases, which can occur from reduced streamflow or inundation, water loses its ability to carry sediment in suspension; sediment falls to the substrate, eventually smothering mussels that cannot adapt to soft substrates (Watters 2000, p. 263). Sediment accumulation can be exacerbated when there is a simultaneous increase in the sources of fine sediments in a watershed. In the range of Texas hornshell, these sources include streambank erosion from agricultural activities, livestock grazing, and roads, among others.

Interstitial spaces (small openings between rocks and gravels) in the substrate provide essential habitat for juvenile mussels. Juvenile freshwater mussels burrow into interstitial substrates, making them particularly susceptible to degradation of this habitat feature. When clogged with sand or silt, interstitial flow rates and spaces may become reduced (Brim Box and Mossa 1999, p. 100), thus reducing juvenile habitat availability.

All populations of Texas hornshell face the risk of fine sediment accumulation to varying degrees. Elimination of Texas hornshell from mussel beds due to large amounts of sediment deposition has been documented on the Black River in two locations in recent years. In the future, we expect this may continue to occur sporadically. Fine sediments are also accumulating at the Rio Grande—Laredo population. Low water levels on the Devils River will likely lead to additional sediment accumulation at this population, as well. In the future, we expect lower flows to occur more often at all populations and for longer periods due to climate change.

Water Quality Impairment

Water quality can be impaired through contamination or alteration of water chemistry. Chemical contaminants are ubiquitous throughout the environment and are a major reason for the current declining status of freshwater mussel species nationwide (Augspurger *et al.* 2007, p. 2025). Chemicals enter the environment through both point and nonpoint discharges, including spills, industrial sources, municipal effluents, and agricultural runoff. These sources contribute organic compounds, heavy metals, pesticides, herbicides, and a wide variety of newly emerging contaminants to the aquatic environment. Ammonia is of particular concern below water treatment plants because freshwater mussels have been shown to be particularly sensitive to increased ammonia levels (Augspurger *et al.* 2003, p. 2569). It is likely for this reason that Texas hornshell are not found for many miles downstream of two wastewater treatment plants that discharge into the Rio Grande: at Nuevo Laredo, Mexico, and at Eagle Pass, Texas (Karatayev *et al.* 2015, p. 14).

An additional type of water quality impairment is alteration of water quality parameters such as dissolved oxygen, temperature, and salinity levels. Dissolved oxygen levels may be reduced from increased nutrients in the water column from runoff or wastewater effluent, and juveniles seem to be particularly sensitive to low dissolved oxygen (Sparks and Strayer 1998, pp. 132–133). Increased water temperature from climate change and from low flows during drought can exacerbate low dissolved oxygen levels as well as have its own effects on both juvenile and adult mussels. Finally, salinity appears to be particularly limiting to Texas hornshell. The aquifer near Malaga, New Mexico, contains saline water. As the saline water emerges from the ground, it is diluted by surface flow. As surface flow decreases, however, the concentration of salinity in the river increases. Additionally, aquifers have become increasingly saline due to salinized water recharge (Hoagstrom 2009, p. 35). Irrigation return flows exacerbate salinity levels as salts build up on irrigated land and then are washed into the riverway. The Pecos River from the confluence with the Black River to the confluence with Independence Creek has become particularly saline in the past few decades, with levels at 7 parts per million (ppm) or higher, which is too high for freshwater mussel habitation. Additionally, the Black River downstream of the Texas hornshell population has had salinity levels in the range of 6 ppm, which may be one reason the population has been extirpated from the downstream reach.

Contaminant spills are also a concern. In particular, the Black River population is vulnerable to spills from the high volume of truck traffic crossing the river at low water access points (Bren School of Environmental Management 2014, p. 26). Due to the topography and steep slopes of these areas, spilled contaminants and contaminated soils could directly enter the surface water of the river and negatively impact the species (Boyer 1986, p. 300) and downstream habitat. For the smaller populations (Black, Devils, Pecos rivers), a single spill could eliminate the entire population.

A reduction in surface flow from drought, instream diversion, or groundwater extraction concentrates contaminant and salinity levels, increases water temperatures in streams, and exacerbates effects to Texas hornshell.

Poor water quality affects most Texas hornshell populations currently to some degree, and future water quality is expected to decrease due to decreasing river flow and increasing temperatures. The Pecos River experiences very high salinity levels upstream of the existing population, and we expect that the observed high mortality of the Pecos River population is due to salinity pulses. Rangewide, as water flow is expected to decrease due to climate change, water quality will decline.

Loss of Flowing Water

Texas hornshell populations need flowing water in order to survive. Low flow events (including stream drying) and inundation can eliminate appropriate habitat for Texas hornshell, and while the species can survive these events if they last for a short time, populations that experience these events regularly will not persist.

Inundation has primarily occurred upstream of dams, both large (such as Amistad, Falcon, and Red Bluff Dams) and small (low water crossings and diversion dams, such as those on the Black River). Inundation causes an increase in sediment deposition, eliminating the crevices this species inhabits. In large reservoirs, deep water is very cold and often devoid of oxygen and necessary nutrients. Cold water (less than 11 degrees Celsius (°C) (52 degrees Fahrenheit (°F))) has been shown to stunt mussel growth (Hanson *et al.* 1988, p. 352). Because glochidial release may be temperature dependent, it is likely that relict individuals living in the constantly cold hypolimnion (deepest portion of the reservoir) in these reservoirs may never reproduce, or reproduce less frequently. Additionally, the effects of these reservoirs extend beyond inundation and fragmentation of populations; the reservoirs are managed for flood control and water delivery, and the resultant downstream releases rarely mimic natural flow regimes, tempering the natural fluctuations in flow that flush fine sediments from the substrate.

At the Rio Grande—Laredo population, a low-water weir has been proposed for construction (Rio Grande Regional Water Planning Group 2016, p. 8–8). The dam would be located just downstream of the La Bota area, which contains the largest known and most dense Texas hornshell bed within the Rio Grande—Laredo population and rangewide. The impounded area would extend approximately 14 mi (22.5 km) upstream, effectively eliminating habitat for Texas hornshell from 25 percent of the currently occupied area and likely leading to extirpation of the densest sites within this population.

Very low water levels are detrimental to Texas hornshell populations, as well. Effects of climate change have already begun to affect the regions of Texas and New Mexico where the Texas hornshell occurs, resulting in higher air temperatures, increased evaporation, increased groundwater pumping, and changing precipitation patterns such that water levels rangewide have already reached historic lows (Dean and Schmidt 2011, p. 336; Bren School of Environmental Management 2014, p. 50). The rivers inhabited by Texas hornshell have some resiliency to drought because they are spring-fed (Black and Devils Rivers) and very large (Rio Grande), but drought in combination with increased groundwater pumping and regulated reservoir releases may lead to lower river flows of longer duration than have been recorded in the past. Streamflow in the Rio Grande downstream of the confluence with the Rio Conchos (near the Rio Grande-Lower Canyons population) has been declining since the 1980s (Miyazono *et al.* 2015, p. A–3), and overall river discharge for the Rio Grande is projected to continue to decline due to increased drought as a result of climate change (Nohara *et al.* 2006, p. 1087). The Rio Conchos contributes more than 90 percent of the flow of the lower Rio Grande (Dean and Schmidt 2011, p. 4). However, during times of drought (such as between 1994 and 2003), Mexico has fallen short of its water delivery commitments, and so the contribution of the Rio Conchos has fallen to as low as 40 percent (Carter *et* *al.* 2015, p. 15). The Rio Grande—Lower Canyons population is downstream of the confluence with the Rio Conchos and is at risk from these reduced deliveries. The Rio Grande—Lower Canyons is very incised (in other words, has vertical banks), and the population occurs in crevices along the steep banks. Due to the habitat characteristics of this population, reductions in discharge in this area may lead to a higher proportion of the Texas hornshell population being exposed than would be found in other populations experiencing similar flow decreases.

In the Black River, surface water is removed from the river for irrigation, including the Carlsbad Irrigation District's Black River Canal at the diversion dam. Studies have shown that flows in the river are affected by groundwater withdrawals, particularly those from the Black River Valley. Groundwater in the Black River watershed is also being used for hydraulic fracturing for oil and gas activities. Between 4.3 acre-feet (187,308 ft^3 (5,304 m^3)) and 10.7 acre-feet (466,091 ft^3 (13,198 m3)) of water is used for each hydraulic fracturing job (Bren School of Environmental Management 2014, p. 91). Overall, mean monthly discharge has already declined since the mid-1990s, and mean monthly temperatures have increased over the past 100 years (Inoue *et al.* 2014, p. 7). In the Black River, survivorship is positively correlated with discharge (Inoue *et al.* 2014, p. 9); as mean monthly discharge decreases, we expect Texas hornshell survivorship to decrease, as well. The Black River is expected to lose streamflow in the future due to air temperature increases, groundwater extraction, and reduced precipitation.

In the Devils River, future water withdrawals from aquifers that support spring flows in the range of the Texas hornshell could result in reduction of critical spring flows and river drying. In particular, there have been multiple proposals to withdraw water from the nearby aquifer and deliver the water to municipalities (*e.g.,* Val Verde Water Company 2013, pp. 1–2). To date, however, none have been approved.

As spring flows decline due to drought or groundwater lowering from pumping, habitat for the Texas hornshell is reduced and could eventually cease to exist. While Texas hornshell may survive short periods of low flow, as low flows persist, mussels face oxygen deprivation, increased water temperature, and, ultimately, stranding.

Barriers to Fish Movement

Two of the Texas hornshell's primary host fish species (river carpsucker and red shiner) are known to be common, widespread species. We do not expect the distribution of host fish to be a limiting factor in Texas hornshell distribution. However, the barriers that prevent fish movement upstream and downstream affect the viability of Texas hornshell.

Texas hornshell were likely historically distributed throughout the Rio Grande, Pecos River, Devils River, and Black River in Texas and New Mexico, as well as throughout the rivers draining to the Gulf of Mexico from which the species was known when few natural barriers existed to prevent migration (via host species) among suitable habitats. The species colonized new areas through movement of infested host fish, and newly metamorphosed juveniles would excyst from host fish in new locations. Today, the remaining populations are significantly isolated from one another such that recolonization of areas previously extirpated is extremely unlikely if not impossible due to existing contemporary barriers to host fish movement. The primary reason for this isolation is reservoir construction and unsuitable water quality. The Black River is isolated from the rest of the populations by high salinity reaches of the Pecos River, as well as Red Bluff Reservoir, and is hundreds of river miles from the nearest extant population. Amistad Reservoir separates the three Texas populations from each other, isolating the Rio Grande—Lower Canyons, Devils River, and Rio Grande—Laredo populations. There is currently no opportunity for interaction among any of the five extant U.S. populations.

The overall distribution of mussels is, in part, a function of the dispersal of their host fish. Small populations are more affected by this limited immigration potential because they are susceptible to genetic drift (random loss of genetic diversity) and inbreeding depression. At the species level, populations that are eliminated due to stochastic events cannot be recolonized naturally, leading to reduced overall redundancy and representation.

Increased Predation

Predation on freshwater mussels is a natural ecological interaction. Raccoons, snapping turtles, and fish are known to prey upon Texas hornshell. Under natural conditions, the level of predation occurring within Texas hornshell populations is not likely to pose a significant risk to any given population. However, during periods of low flow, terrestrial predators have increased access to portions of the river that are otherwise too deep under normal flow conditions. High levels of predation during drought have been observed on the Devils River, and muskrat predation has also been reported on the Black River. As drought and low flow conditions are predicted to occur more often and for longer periods due to the effects of climate change, the Black and Devils Rivers are expected to experience additional predation pressure into the future. Predation is expected to be less of a concern for the Rio Grande populations, as the river is significantly larger than the Black and Devils Rivers and Texas hornshell are less likely to be found in exposed or very shallow portions of the stream.

Effects of Climate Change

Climate change in the form of the change in timing and amount of precipitation and air temperature increase is occurring, and continued greenhouse gas emissions at or above current rates will cause further warming (Intergovernmental Panel on Climate Change (IPCC) 2013, pp. 11–12). Warming in the Southwest is expected to be greatest in the summer (IPCC 2013, pp. 11–12), and annual mean precipitation is very likely to decrease in the Southwest (Ray *et al.* 2008, p. 1; IPCC 2013, pp. 11–12). In Texas, the number of extreme hot days (high temperatures exceeding 95 °F (35 °C) are expected to double by around 2050 (Kinniburgh *et al.* 2015, p. 83), and Texas is considered one of the "hotspots" of climate change in North America; west Texas is an area expected to show greater responsiveness to the effects of climate change (Diffenbaugh *et al.* 2008, p. 3). Even if precipitation and groundwater recharge remain at current levels, increased groundwater pumping and resultant aquifer shortages due to increased temperatures are nearly certain (Loaiciga *et al.* 2000, p. 193; Mace and Wade 2008, pp. 662, 664–665; Taylor *et al.* 2012, p. 3). Increased water temperature can cause stress to individuals, decrease dissolved oxygen levels, and increase toxicity of contaminants. Effects of climate change, such as air temperature increases and an increase in drought frequency and intensity, have been shown to be occurring throughout the range of Texas hornshell (Kinniburgh *et al.* 2015, p. 88), and these effects are expected to exacerbate several of the stressors discussed above, such as water temperature and flow loss (Wuebbles *et* *al.* 2013, p. 16). As we projected the future condition of the Texas hornshell and which stressors are likely to occur, we considered climate change to be an exacerbating factor in the increase of fine sediments, changes in water quality, and loss of flowing water.

Due to the effects of ongoing climate change, we expect the frequency and duration of cleansing flows to decrease, leading to the increase in fine sediments and reduced water levels at all populations. More extreme climate change projections lead to further increases in fine sediment within the populations. Similarly, as lower water levels concentrate contaminants and cause unsuitable temperature and dissolved oxygen levels, we expect water quality to decline to some degree in the future.

Conservation Actions and Regulatory Mechanisms

About 7 percent of known occupied habitat for the Texas hornshell is in New Mexico, and the Service is collaborating with water users, oil and gas developers, landowners, and other partners to develop candidate conservation agreements (CCAs) for the species on State, Federal, and private lands. These agreements are currently under development, and the potential purpose is to provide voluntary conservation that would reduce threats to the species while improving physical habitat and water quality. The key conservation measures in the agreements will be designed to limit oil and gas development to areas outside of the Black and Delaware River floodplains, minimize erosion, and maintain minimum water flows in the rivers. Along with these measures, the partners to the agreement are evaluating alternatives to the multiple low water crossings on the Black River. Partners are considering alternate crossing locations, which could include bridges designed to allow host fishes to pass through in addition to decreasing potential contamination events. Because these agreements have not been completed, we are not considering the conservation actions in our present evaluation of the status of Texas hornshell.

The New Mexico Department of Game and Fish has begun Texas hornshell reintroduction efforts into the Delaware River, which is within the historical range of the species. Adults and infested host fish were released in suitable habitat in the Delaware River in 2013 and 2015. Many of the released adults have been subsequently located, and success of the reintroduction will be determined in the coming years. We expect the reintroduction effort to continue over the next several years, but we are not considering the action to have been successful to date.

In Texas, The Nature Conservancy and Texas Parks and Wildlife Department manage lands under their purview in the Devils River watershed for native communities, including Texas hornshell. The large amount (over 200,000 acres) of land in conservation management in the Devils River watershed reduces the risks to Texas hornshell from sediment inputs and contaminants.

In the Rio Grande, we are not aware of any management actions for Texas hornshell. The Texas Comptroller of Public Accounts has established an Endangered Species Task Force and has funded much of the recent research in Texas on Texas hornshell, which has led to greater understanding of the species' distribution in the State.

Current Condition

Overall, there are five known remaining populations of Texas hornshell, comprising approximately 15 percent of the species' historical range in the United States (see Map 1, above). Historically, most Texas hornshell populations were likely connected by fish migration throughout the Rio Grande, upstream through the Pecos River, and throughout the tributaries, but due to impoundments and river reaches with unsuitable water quality (for example, high salinity) they are currently isolated from one another, and repopulation of extirpated locations is unlikely to occur without human assistance. Here we discuss the current condition of each known population, taking into account the risks to those populations that are currently occurring, as well as management actions that are currently occurring to address those risks. We consider low levels of climate change to be currently occurring, resulting in reduced timing and amount of streamflow, increased stream temperatures, and increased accumulation of fine sediments.

Black River: The Black River population is quite dense and recruitment appears to be high, but the short size (8.7 mi (14.0 km)) of the occupied reach limits this population's resiliency. Accumulation of fine sediment in the substrate has already occurred due to increased sediment input into the river from road crossings, culverts, and cattle grazing, combined with a decreased frequency of cleansing river flows. The current level of climate change will continue to reduce flow in the river from groundwater extraction and drought, resulting in fewer cleansing flows and increased fine sediments. The distribution of Texas hornshell in the Black River will remain small, and the risk of a contaminant spill will remain high, resulting in a high likelihood that water quality will become unsuitable and reduce abundance of Texas hornshell significantly. Therefore, taking into account the current threats to the population and its distribution within the river, the Texas hornshell population in the Black River has low resiliency.

Pecos River: The Pecos River population is extremely small and exhibits no evidence of reproduction. The few number of live individuals among the very high number of dead shells indicates a population in severe decline; this is likely due to high salinity levels in the river upstream of the population. There is a high likelihood this population will be extirpated in the near future due to water quality alone. Therefore, the Pecos River population of Texas hornshell has very low resiliency.

Devils River: The Devils River population has low abundance and has exhibited some evidence of reproduction. The current level of climate change will continue to reduce flow in the Devils River due to groundwater extraction and drought. The low flows this population experiences during dry times will continue to become more frequent and prolonged. Because Texas hornshell in the Devils River occur at the heads of riffles, they are vulnerable to complete flow loss when water levels drop. The reduction in cleansing flows will also result in the accumulation of fine sediments, reducing substrate quality. Low flows will also affect water quality parameters such as temperature and dissolved oxygen, causing them to become unsuitable for Texas hornshell. Additionally, the species is already vulnerable to predation from terrestrial predators during times of low flow; predation will occur more frequently as periods of low flow become more common. Overall, because the population is currently small and would be unlikely to grow, the Devils River population has low resiliency.

Rio Grande—Lower Canyons: The Lower Canyons population has relatively high abundance and evidence of recruitment. Drought and groundwater extraction resulting from currently observed levels of climate change will continue to lower water levels in the Rio Grande—Lower Canyons population of Texas hornshell. We expect that Mexico's management of the Rio Conchos will continue to be an unreliable source of water. This section of the Rio Grande is relatively deep and incised, and the population of Texas hornshell primarily occurs in crevices along the banks. Water flow reductions would expose a high proportion of the existing population; therefore, this reduction in flow will likely have a larger effect on the population size than in other populations, although at a small to moderate decrease in water flow we still expect abundance to be maintained at moderate levels. Overall, the Rio Grande—Lower Canyons population exhibits moderate resiliency.

Rio Grande—Laredo: Similar to the Lower Canyons population, the Laredo population has numerous mussel beds with high Texas hornshell abundance and evidence of reproduction. However, drought and upstream water management will continue to reduce flows in the Rio Grande. Water quality will continue to decrease due to lower flows, and fine sediments will accumulate. Declining water flow will cause fine sediments to accumulate and water quality to decline, leading to a decline in population abundance. Overall, the Rio Grande—Laredo has moderate resiliency.

Mexico: We have low confidence in the species' current condition throughout most of the Mexican range. One or more of these populations may still be extant, or they may all be extirpated. We have no recent data on the species' occurrence in Mexico; the last live recordings are from the mid-1980s. Because of this uncertainty, we did not rely on the Texas hornshell's distribution in Mexico when evaluating the viability of the species.

Future Condition

As part of the SSA, we also developed multiple future condition scenarios to capture the range of uncertainties regarding future threats and the projected responses by the Texas hornshell. Our scenarios included a status quo scenario, which incorporated the current risk factors continuing on the same trajectory that they are on now. We also evaluated four additional future scenarios that incorporated varying levels of increasing risk factors with elevated negative effects on hornshell populations. However, because we determined that the current condition of the Texas hornshell and the associated status quo projections were consistent with an endangered species (see Determination, below), we are not presenting the results of the other future scenarios in this proposed rule. The additional future scenarios project conditions that are worse for the Texas hornshell. Since the status quo scenario was determined to be endangered, other projected scenarios would also be endangered, as they forecast conditions that are more at risk of extinction than the status quo. Please refer to the SSA report (Service 2016) for the full analysis of future scenarios.

Determination

Section 4 of the Act, and its implementing regulations at 50 CFR part 424, set forth the procedures for adding species to the Federal Lists of Endangered and Threatened Wildlife and Plants. Under section 4(b)(1)(a), the Secretary is to make endangered or threatened determinations required by subsection 4(a)(1) solely on the basis of the best scientific and commercial data available to her after conducting a review of the status of the species and after taking into account conservation efforts by States or foreign nations. The standards for determining whether a species is endangered or threatened are provided in section 3 of the Act. An endangered species is any species that is "in danger of extinction throughout all or a significant portion of its range." A threatened species is any species that is "likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range." Per section 4(a)(1) of the Act, in reviewing the status of the species to determine if it meets the definition of endangered or of threatened, we determine whether any species is an endangered species or a threatened species because of any of the following five factors: (A) The present or threatened destruction, modification, or curtailment of its habitat or range; (B) overutilization for commercial, recreational, scientific, or educational purposes; (C) disease or predation; (D) the inadequacy of existing regulatory mechanisms; and (E) other natural or manmade factors affecting its continued existence. Listing actions may be warranted based on any of the above threat factors, singly or in combination.

The fundamental question before the Service is whether the species warrants protection as an endangered or threatened species under the Act. To make this determination, we evaluated extinction risk, described in terms of the current condition of populations and their distribution (taking into account the risk factors (*i.e.,* threats, stressors) and their effects on those populations). For any species, as population conditions decline and distribution shrinks, the species' overall viability declines and extinction risk increases.

We have carefully assessed the best scientific and commercial information available regarding the past, present, and future threats to the Texas hornshell. Our analysis of the past, current, and future influences on what the Texas hornshell needs for long-term viability revealed that there are five influences that may pose a meaningful risk to the viability of the species. These are primarily related to habitat changes (Factor A from the Act): The accumulation of fine sediments, the loss of flowing water, and impairment of water quality, all of which are exacerbated by the effects of climate change. Predation (Factor C) is also affecting those populations already experiencing low stream flow, and barriers to fish movement (Factor E) prevent recolonization after stochastic events.

The Texas hornshell has declined significantly in overall distribution and abundance, with the species currently occupying approximately 15 percent of its historical range in the United States. Between one-half and two-thirds of the Texas hornshell's historical range occurred in Mexico; we have very low confidence in the species' current condition throughout most of the Mexican range. The resulting remnant populations occupy shorter reaches compared to presumed historical populations, and they are all isolated from one another.

The primary historical reason for this reduction in range was reservoir construction and unsuitable water quality. Large reservoirs have been constructed on the Rio Grande and Pecos River, and much of the Pecos River upstream of the confluence with Independence Creek now has salinity levels too high for mussel habitation (Hoagstrom 2009, p. 28). The effects of these reservoirs extend beyond fragmentation of populations; the resultant downstream water releases do not mimic natural flow regimes, and the change in timing and frequency of cleansing flows results in increases in fine sediments, increases in predation, and decreases in water quality. Add to this the exacerbating effects of climate change—increased temperature and decreased stream flow—and the remaining Texas hornshell populations face moderate to high levels of risk of extirpation currently. For the populations occupying the smaller reaches (such as the Black River, Devils River, and Pecos River populations), a single stochastic event such as contaminant spill or drought could eliminate an entire population of Texas hornshell. These effects are heightened at the species level because the isolation of the populations prohibits natural recolonization from host fish carrying Texas hornshell glochidia, which likely happened in the past and allowed for the species to ebb and flow from suitable areas.

Populations in both large and small reaches face risks from natural and anthropogenic sources. Climate change has already begun to affect the regions of Texas and New Mexico where Texas hornshell occurs, resulting in higher air temperatures, increased evaporation, increased groundwater pumping, and changing precipitation patterns such that water levels rangewide have already reached historic lows. These low water levels put the populations at risk of habitat loss from increased fine sediments, poor water quality, and increased predation risk.

These risks, alone or in combination, are expected to result in the extirpation of additional populations, further reducing the overall redundancy and representation of the species. Historically, the species, with a large range of interconnected populations, would have been resilient to stochastic events such as drought and sedimentation because even if some populations were extirpated by such events, they could be recolonized over time by dispersal from nearby surviving populations. This connectivity would have made for a highly resilient species overall. However, under current conditions, connectivity is prevented due to large reservoirs and unsuitably high salinity levels between populations. As a consequence of these current conditions, the viability of the Texas hornshell now primarily depends on maintaining the remaining isolated populations.

Of the five remaining isolated populations, three are small in abundance and occupied stream length and have low to no resiliency. The remaining two are larger, with increased abundance and occupied stream length; however, flow reduction, water quality decline, and habitat loss from sedimentation reduce the abundance and distribution of those populations. We have no information on population status in Mexico. Therefore, the Texas hornshell has no populations that are currently considered highly resilient. The high risk of extirpation of these populations leads to low levels of redundancy (few populations will persist to withstand catastrophic events) and representation (little to no ecological or genetic diversity will persist to respond to changing environmental conditions). Overall, these low levels of resiliency, redundancy, and representation result in the Texas hornshell having low viability, and the species currently faces a high risk of extinction.

The Act defines an endangered species as any species that is "in danger of extinction throughout all or a significant portion of its range" and a threatened species as any species "that is likely to become endangered throughout all or a significant portion of its range within the foreseeable future." We find that the Texas hornshell is presently in danger of extinction throughout its entire range based on the severity and immediacy of threats currently impacting the species. The overall range has been significantly reduced, and the remaining habitat and populations are threatened by a multitude of factors acting in combination to reduce the overall viability of the species. The risk of extinction is high because the remaining populations have a high risk of extirpation, are isolated, and have limited potential for recolonization. Therefore, on the basis of the best available scientific and commercial information, we propose listing the Texas hornshell as endangered in accordance with sections 3(6) and 4(a)(1) of the Act. We find that a threatened species status is not appropriate for the Texas hornshell because of the currently contracted range (loss of 85 percent of its historic range in the United States, and likely more in Mexico), because the threats are occurring across the entire range of the species, and because the threats are ongoing currently and are expected to continue or worsen into the future. Because the species is already in danger of extinction throughout its range, a threatened status is not appropriate.

Under the Act and our implementing regulations, a species may warrant listing if it is endangered or threatened throughout all or a significant portion of its range. Because we have determined that the Texas hornshell is endangered throughout all of its range, no portion of its range can be "significant" for purposes of the definitions of "endangered species" and "threatened species." See the Final Policy on Interpretation of the Phrase "Significant Portion of Its Range" in the Endangered Species Act's Definitions of "Endangered Species" and "Threatened Species" (79 FR 37578; July 1, 2014).

Available Conservation Measures

Conservation measures provided to species listed as endangered or threatened species under the Act include recognition, recovery actions, requirements for Federal protection, and prohibitions against certain practices. Recognition through listing results in public awareness, and conservation by Federal, State, Tribal, and local agencies; private organizations; and individuals. The Act encourages cooperation with the States and other countries and calls for recovery actions to be carried out for listed species. The protection required by Federal agencies and the prohibitions against certain activities are discussed, in part, below.

The primary purpose of the Act is the conservation of endangered and threatened species and the ecosystems upon which they depend. The ultimate goal of such conservation efforts is the recovery of these listed species, so that they no longer need the protective measures of the Act. Subsection 4(f) of the Act calls for the Service to develop and implement recovery plans for the conservation of endangered and threatened species. The recovery planning process involves the identification of actions that are necessary to halt or reverse the species' decline by addressing the threats to its survival and recovery. The goal of this process is to restore listed species to a point where they are secure, self-sustaining, and functioning components of their ecosystems.

Recovery planning includes the development of a recovery outline shortly after a species is listed and preparation of a draft and final recovery plan. The recovery outline guides the immediate implementation of urgent recovery actions and describes the process to be used to develop a recovery plan. Revisions of the plan may be done to address continuing or new threats to the species, as new substantive information becomes available. The recovery plan also identifies recovery criteria for review of when a species may be ready for downlisting or delisting, and methods for monitoring recovery progress. Recovery plans also establish a framework for agencies to coordinate their recovery efforts and provide estimates of the cost of implementing recovery tasks. Recovery teams (composed of species experts, Federal and State agencies, nongovernmental organizations, and stakeholders) are often established to develop recovery plans. When completed, the recovery outline, draft recovery plan, and the final recovery plan will be available on our Web site (*http://www.fws.gov/endangered*), or from our Texas Coastal Ecological Services Field Office (see **FOR FURTHER INFORMATION CONTACT**).

Implementation of recovery actions generally requires the participation of a broad range of partners, including other Federal agencies, States, Tribes, nongovernmental organizations, businesses, and private landowners. Examples of recovery actions include habitat restoration (*e.g.,* restoration of native vegetation), research, captive propagation and reintroduction, and outreach and education. The recovery of many listed species cannot be accomplished solely on Federal lands because their ranges may occur primarily or solely on non-Federal lands. To achieve recovery of these species requires cooperative conservation efforts on private, State, and Tribal lands. If this species is listed, funding for recovery actions will be available from a variety of sources, including Federal budgets, State programs, and cost share grants for non-Federal landowners, the academic community, and nongovernmental organizations. In addition, pursuant to section 6 of the Act, the States of Texas and New Mexico would be eligible for Federal funds to implement management actions that promote the protection or recovery of the Texas hornshell. Information on our grant programs that are available to aid species recovery can be found at: *http://www.fws.gov/grants.*

Although the Texas hornshell is only proposed for listing under the Act at this time, please let us know if you are interested in participating in recovery efforts for this species. Additionally, we invite you to submit any new information on this species whenever it becomes available and any information you may have for recovery planning purposes (see **FOR FURTHER INFORMATION CONTACT**).

Section 7(a) of the Act requires Federal agencies to evaluate their actions with respect to any species that is proposed or listed as an endangered or threatened species and with respect to its critical habitat, if any is designated. Regulations implementing this interagency cooperation provision of the Act are codified at 50 CFR part 402. Section 7(a)(4) of the Act requires Federal agencies to confer with the Service on any action that is likely to jeopardize the continued existence of a species proposed for listing or result in destruction or adverse modification of proposed critical habitat. If a species is listed subsequently, section 7(a)(2) of the Act requires Federal agencies to ensure that activities they authorize, fund, or carry out are not likely to jeopardize the continued existence of the species or destroy or adversely modify its critical habitat. If a Federal action may affect a listed species or its critical habitat, the responsible Federal agency must enter into consultation with the Service.

Federal agency actions within the species' habitat that may require conference or consultation or both as described in the preceding paragraph include management and any other landscape-altering activities on Federal lands administered by the Bureau of Land Management, Bureau of Reclamation, and National Park Service; issuance of section 404 Clean Water Act (33 U.S.C. 1251 *et seq.*) permits by the U.S. Army Corps of Engineers; and construction and maintenance of roads or highways by the Federal Highway Administration.

The Act and its implementing regulations set forth a series of general prohibitions and exceptions that apply to endangered wildlife. The prohibitions of section 9(a)(1) of the Act, codified at 50 CFR 17.21, make it illegal for any person subject to the jurisdiction of the United States to take (which includes harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect; or to attempt any of these) endangered wildlife within the United States or on the high seas. In addition, it is unlawful to import; export; deliver, receive, carry, transport, or ship in interstate or foreign commerce in the course of commercial activity; or sell or offer for sale in interstate or foreign commerce any listed species. It is also illegal to possess, sell, deliver, carry, transport, or ship any such wildlife that has been taken illegally. Certain exceptions apply to employees of the Service, the National Marine Fisheries Service, other Federal land management agencies, and State conservation agencies.

We may issue permits to carry out otherwise prohibited activities involving endangered wildlife under certain circumstances. Regulations governing permits are codified at 50 CFR 17.22. With regard to endangered wildlife, a permit may be issued for the following purposes: For scientific purposes, to enhance the propagation or survival of the species, and for incidental take in connection with otherwise lawful activities. There are also certain statutory exemptions from the prohibitions, which are found in sections 9 and 10 of the Act.

It is our policy, as published in the **Federal Register** on July 1, 1994 (59 FR 34272), to identify to the maximum extent practicable at the time a species is listed, those activities that would or would not constitute a violation of section 9 of the Act. The intent of this policy is to increase public awareness of the effect of a proposed listing on proposed and ongoing activities within the range of the species proposed for listing. Based on the best available information, if we list this species, the following actions are unlikely to result in a violation of section 9, if these activities are carried out in accordance with existing regulations and permit requirements; this list is not comprehensive:

(1) Normal agricultural and silvicultural practices, including herbicide and pesticide use, which are carried out in accordance with any existing regulations, permit and label requirements, and best management practices; and

(2) Normal residential landscape activities.

Based on the best available information, if we list this species, the following activities may potentially result in a violation of section 9 of the Act; this list is not comprehensive:

(1) Unauthorized handling or collecting of the species;

(2) Modification of the channel or water flow of any stream in which the Texas hornshell is known to occur;

(3) Livestock grazing that results in direct or indirect destruction of stream habitat; and

(4) Discharge of chemicals or fill material into any waters in which the Texas hornshell is known to occur.

Questions regarding whether specific activities would constitute a violation of section 9 of the Act should be directed to the Texas Coastal Ecological Services Field Office (see **FOR FURTHER INFORMATION CONTACT**).

Critical Habitat for the Texas Hornshell

Background

Critical habitat is defined in section 3 of the Act as:

(1) The specific areas within the geographical area occupied by the species, at the time it is listed in accordance with the Act, on which are found those physical or biological features:

(a) Essential to the conservation of the species, and

(b) Which may require special management considerations or protection; and

(2) Specific areas outside the geographical area occupied by the species at the time it is listed, upon a determination that such areas are essential for the conservation of the species.

Conservation, as defined under section 3 of the Act, means to use and the use of all methods and procedures that are necessary to bring an endangered or threatened species to the point at which the measures provided pursuant to the Act are no longer necessary. Such methods and procedures include, but are not limited to, all activities associated with scientific resources management such as research, census, law enforcement, habitat acquisition and maintenance, propagation, live trapping, and transplantation, and, in the extraordinary case where population pressures within a given ecosystem cannot be otherwise relieved, may include regulated taking.

Critical habitat receives protection under section 7 of the Act through the requirement that Federal agencies ensure, in consultation with the Service, that any action they authorize, fund, or carry out is not likely to result in the destruction or adverse modification of critical habitat. The designation of critical habitat does not affect land ownership or establish a refuge, wilderness, reserve, preserve, or other conservation area. Such designation does not allow the government or public to access private lands. Such designation does not require implementation of restoration, recovery, or enhancement measures by non-Federal landowners. Where a landowner requests Federal agency funding or authorization for an action that may affect a listed species or critical habitat, the consultation requirements of section 7(a)(2) of the Act would apply, but even in the event of a destruction or adverse modification finding, the obligation of the Federal action agency and the landowner is not to restore or recover the species, but to implement reasonable and prudent alternatives to avoid destruction or adverse modification of critical habitat.

Section 4 of the Act requires that we designate critical habitat on the basis of the best scientific data available. Further, our Policy on Information Standards Under the Endangered Species Act (published in the **Federal Register** on July 1, 1994 (59 FR 34271)), the Information Quality Act (section 515 of the Treasury and General Government Appropriations Act for Fiscal Year 2001 (Pub. L. 106–554; H.R. 5658)), and our associated Information Quality Guidelines, provide criteria, establish procedures, and provide guidance to ensure that our decisions are based on the best scientific data available. They require our biologists, to the extent consistent with the Act and with the use of the best scientific data available, to use primary and original sources of information as the basis for recommendations to designate critical habitat.

Prudency Determination

Section 4(a)(3) of the Act, as amended, and implementing regulations (50 CFR 424.12), require that, to the maximum extent prudent and determinable, the Secretary designate critical habitat at the time the species is determined to be endangered or threatened. Our regulations (50 CFR 424.12(a)(1)) state that the designation of critical habitat is not prudent when one or both of the following situations exist: (1) The species is threatened by taking or other human activity, and identification of critical habitat can be expected to increase the degree of threat to the species, or (2) such designation of critical habitat would not be beneficial to the species.

There is currently no imminent threat of take attributed to collection or vandalism under Factor B for the Texas hornshell, and identification and mapping of critical habitat is not likely to increase any such threat. In the absence of finding that the designation of critical habitat would increase threats to a species, if there are any benefits to a critical habitat designation, then a prudent finding is warranted. The potential benefits of designation include: (1) Triggering consultation under section 7 of the Act in new areas for actions in which there may be a Federal nexus where it would not otherwise occur because, for example, it is or has become unoccupied or the occupancy is in question; (2) focusing conservation activities on the most essential features and areas; (3) providing educational benefits to State or county governments or private entities; and (4) preventing people from causing inadvertent harm to the species. Therefore, because we have determined that the designation of critical habitat will not likely increase the degree of threat to these species and may provide some measure of benefit, we find that designation of critical habitat is prudent for the Texas hornshell.

Critical Habitat Determinability

Having determined that designation is prudent, under section 4(a)(3) of the Act we must find whether critical habitat for the species is determinable. Our regulations at 50 CFR 424.12(a)(2) state that critical habitat is not determinable when one or both of the following situations exist: (1) Information sufficient to perform required analyses of the impacts of the designation is lacking, or (2) the biological needs of the species are not sufficiently well known to permit identification of an area as critical habitat.

As discussed above, we have reviewed the available information pertaining to the biological needs of this species and habitat characteristics where this species is located. Because the biological needs are not sufficiently well known to permit identification of critical habitat, we are seeking additional information regarding updated occurrence records for the Texas hornshell, future climate change effects on the species' habitat, and other analyses. Therefore, we conclude that the designation of critical habitat is not determinable for the Texas hornshell at this time. We will make a determination on critical habitat no later than 1 year following any final listing determination.

Required Determinations

Clarity of the Rule

We are required by Executive Orders 12866 and 12988 and by the Presidential Memorandum of June 1, 1998, to write all rules in plain language. This means that each rule we publish must:

(1) Be logically organized;

(2) Use the active voice to address readers directly;

(3) Use clear language rather than jargon;

(4) Be divided into short sections and sentences; and

(5) Use lists and tables wherever possible.

If you feel that we have not met these requirements, send us comments by one of the methods listed in **ADDRESSES**. To better help us revise the rule, your comments should be as specific as possible. For example, you should tell us the numbers of the sections or paragraphs that are unclearly written, which sections or sentences are too long, the sections where you feel lists or tables would be useful, etc.

National Environmental Policy Act (42 U.S.C. 4321 et seq.)

We have determined that environmental assessments and environmental impact statements, as defined under the authority of the National Environmental Policy Act (NEPA; 42 U.S.C. 4321 *et seq.*), need not be prepared in connection with listing a species as an endangered or threatened species under the Endangered Species Act. We published a notice outlining our reasons for this determination in the **Federal Register** on October 25, 1983 (48 FR 49244).

References Cited

A complete list of references cited is available in Appendix A of the SSA Report (U.S. Fish and Wildlife Service. 2016. Species status assessment report for the Texas hornshell (*Popenaias popeii*), Version 1.0. Albuquerque, NM), available online at *http://www.regulations.gov,* under Docket Number FWS–R2–ES–2016–0077.

Authors

The primary authors of this proposed rule are the staff members of the Texas Coastal Ecological Services Field Office.

List of Subjects in 50 CFR Part 17

Endangered and threatened species, Exports, Imports, Reporting and recordkeeping requirements, Transportation.

Proposed Regulation Promulgation

Accordingly, we propose to amend part 17, subchapter B of chapter I, title 50 of the Code of Federal Regulations, as set forth below:

PART 17—ENDANGERED AND THREATENED WILDLIFE AND PLANTS

■ 1. The authority citation for part 17 continues to read as follows:

Authority: 16 U.S.C. 1361–1407; 1531–1544; and 4201–4245, unless otherwise noted.

■ 2. Amend § 17.11(h) by adding an entry for "Hornshell, Texas" to the List of Endangered and Threatened Wildlife in alphabetical order under Clams:

§ 17.11 Endangered and threatened wildlife.

* * * * *

(h) * * *

Common name	Scientific name	Where listed	Status	Listing citations and applicable rules
* *	*	* *		* *
CLAMS				
* *	*	* *		* *
Hornshell, Texas	*Popenaias popeii*	Wherever found	E	[***Federal Register*** *citation when published as a final rule.*]
* *	*	* *		* *

Dated: July 21, 2016.

Stephen Guertin,

Acting Director, U.S. Fish and Wildlife Service.

[FR Doc. 2016–18816 Filed 8–9–16; 8:45 am]

BILLING CODE P

Notices

Federal Register
Vol. 81, No. 154
Wednesday, August 10, 2016

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. APHIS–2016–0012]

Notice of Decision To Authorize the Importation of Fresh Pomegranates From Peru Into the Continental United States

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice.

SUMMARY: We are advising the public of our decision to authorize the importation of fresh pomegranates from Peru into the continental United States. Based on the findings of a pest risk analysis, which we made available for the public to review and comment through a previous notice, we have concluded that the application of designated phytosanitary measures will be sufficient to mitigate the risks of introducing or disseminating plant pests via the importation of fresh pomegranates from Peru.

DATES: Effective August 10, 2016.

FOR FURTHER INFORMATION CONTACT: Mr. David B. Lamb, Senior Regulatory Policy Specialist, PPQ, APHIS, USDA, 4700 River Road Unit 133, Riverdale, MD 20737–1236; (301) 851–2103; email: *David.B.Lamb@aphis.usda.gov.*

SUPPLEMENTARY INFORMATION: Under the regulations in "Subpart–Fruits and Vegetables" (7 CFR 319.56–1 through 319.56–75, referred to below as the regulations), the Animal and Plant Health Inspection Service (APHIS) prohibits or restricts the importation of fruits and vegetables into the United States from certain parts of the world to prevent plant pests from being introduced into or disseminated within the United States.

Section 319.56–4 contains a performance-based process for approving the importation of certain fruits and vegetables that, based on the findings of a pest risk analysis, can be safely imported subject to one or more of the designated phytosanitary measures listed in paragraph (b) of that section.

In accordance with that process, we published a notice[1] in the **Federal Register** on March 14, 2016 (81 FR 13310, Docket No. APHIS–2016–0012), in which we announced the availability, for review and comment, of a pest risk assessment (PRA) that identifies pests of quarantine significance that could follow the pathway of importation of pomegranates from Peru into the continental United States. Based on the PRA, a risk management document (RMD) was prepared to identify phytosanitary measures that could be applied to the pomegranates to mitigate the pest risk. The risk management document recommended the following phytosanitary measures be applied to the importation of pomegranates from Peru into the continental United States:

- The pomegranates must be imported as commercial consignments only;
- Each consignment of pomegranates must be accompanied by a phytosanitary certificate issued by the national plant protection organization (NPPO) of Peru;
- Each consignment of pomegranates must be treated with irradiation in accordance with 7 CFR part 305; and
- Each consignment of pomegranates is subject to inspection upon arrival at the port of entry to the United States.

We solicited comments on the PRA and RMD for 60 days, ending on May 13, 2016. We received eight comments by that date, from an organization of State plant regulatory agencies, importers, the Peruvian Government, a U.S. port of entry, and private citizens.

Seven of the commenters supported the importation of fresh pomegranates from Peru into the continental United States.

One commenter interpreted our notice as a proposal to authorize the importation of pomegranates from Peru subject to any of the four phytosanitary measures recommended by the RMD. The commenter suggested the measures need to be jointly applied in order to mitigate the plant pest and noxious weed risk associated with the importation of pomegranates from Peru into the continental United States.

We agree with the commenter. All four phytosanitary measures identified above must be applied to the importation of pomegranates from Peru into the continental United States in order to address plant pest and noxious weed risk.

The same commenter stated that irradiation should have to occur in Peru or in States where the plant pests of quarantine significance that we identified as potentially following the pathway of importation of pomegranates from Peru could not become established.

We appreciate the commenter's concern regarding irradiation of the pomegranates in areas of the United States where quarantine plant pests that could potentially follow the pathway of importation of the pomegranates from Peru could become established. Indeed, our regulations governing the approval of irradiation facilities in the United States, which are found in 7 CFR 305.9, require that, if an irradiation facility is located in a State where quarantine pests that are targeted by irradiation could become established, then it must take additional safeguards, specified within that section, in order to address this pest risk. However, because § 305.9 also allows irradiation treatment for imported commodities to take place within the United States, and does not preclude it from taking place in States where establishment of quarantine pests is possible, we cannot grant the commenter's request.

Therefore, in accordance with § 319.56–4(c)(2)(ii), we are announcing our decision to authorize the importation of pomegranates from Peru into the continental United States subject to the following phytosanitary measures:

- The pomegranates must be imported as commercial consignments only;
- Each consignment of pomegranates must be accompanied by a phytosanitary certificate issued by the NPPO of Peru;
- Each consignment of pomegranates must be treated with irradiation in accordance with 7 CFR part 305; and
- Each consignment of pomegranates is subject to inspection upon arrival at the port of entry to the United States.

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[1] To view the notice, PRA, RMD, and comments we received, go to *http://www.regulations.gov/#!docketDetail;D=APHIS-2016-0012.*

These conditions will be listed in the Fruits and Vegetables Import Requirements database (available at *http://www.aphis.usda.gov/favir/*). In addition to these specific measures, pomegranates from Peru will be subject to the general requirements listed in § 319.56–3 that are applicable to the importation of all fruits and vegetables.

Authority: 7 U.S.C. 450, 7701–7772, and 7781–7786; 21 U.S.C. 136 and 136a; 7 CFR 2.22, 2.80, and 371.3.

Done in Washington, DC, this 4th day of August, 2016.

Kevin Shea,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 2016–18987 Filed 8–9–16; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. APHIS–2015–0055]

Concurrence With OIE Risk Designations for Bovine Spongiform Encephalopathy

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice.

SUMMARY: We are advising the public of our decision to concur with the World Organization for Animal Health's (OIE) bovine spongiform encephalopathy (BSE) risk designations for 14 regions. The OIE recognizes these regions as being of negligible risk for BSE. We are taking this action based on our review of information supporting the OIE's risk designations for these regions.

FOR FURTHER INFORMATION CONTACT: Dr. Roberta Morales, Senior Staff Veterinarian, Regionalization Evaluation Services, National Import Export Services, VS, APHIS, 920 Main Campus Drive, Suite 200, Raleigh, NC 27606; (919) 855–7735.

SUPPLEMENTARY INFORMATION: The regulations in 9 CFR part 92 subpart B, "Importation of Animals and Animal Products; Procedures for Requesting BSE Risk Status Classification With Regard to Bovines" (referred to below as the regulations), set forth the process by which the Animal and Plant Health Inspection Service (APHIS) classifies regions for bovine spongiform encephalopathy (BSE) risk. Section 92.5 of the regulations provides that all countries of the world are considered by APHIS to be in one of three BSE risk categories: Negligible risk, controlled risk, or undetermined risk. These risk categories are defined in § 92.1. Any region that is not classified by APHIS as presenting either negligible risk or controlled risk for BSE is considered to present an undetermined risk. The list of those regions classified by APHIS as having either negligible risk or controlled risk can be accessed on the APHIS Web site at *https://www.aphis.usda.gov/aphis/ourfocus/animalhealth/animal-and-animal-product-import-information/ct_animal_disease_status.* The list can also be obtained by writing to APHIS at National Import Export Services, 4700 River Road Unit 38, Riverdale, MD 20737.

Under the regulations, APHIS may classify a region for BSE in one of two ways. One way is for countries that have not received a risk classification from the World Organization for Animal Health (OIE) to request classification by APHIS. The other way is for APHIS to concur with the classification given to a country by the OIE.

If the OIE has recognized a country as either BSE negligible risk or BSE controlled risk, APHIS will seek information to support our concurrence with the OIE classification. This information may be publicly available information, or APHIS may request that countries supply the same information given to the OIE. APHIS will announce in the **Federal Register**, subject to public comment, its intent to concur with an OIE classification.

In accordance with that process, we published a notice[1] in the **Federal Register** on December 4, 2015 (80 FR 75849, Docket No. APHIS–2015–0055), in which we announced our intent to concur with the OIE risk designations for 16 regions. The OIE recognizes these regions as being of negligible risk for BSE. We solicited comments on the notice for 60 days ending on February 2, 2016. We received two comments by that date, from a private citizen and a representative of a foreign government.

One commenter stated that if a product is being imported only for use in pet food, then the BSE risk status of the exporting region should not be an issue.

We disagree that bovine products imported for use in pet food do not pose a risk for introducing or spreading BSE in the United States. It is possible that pet foods could be used for cattle feed, either by accidental misfeeding of pet foods to cattle or by misusing salvage pet food for cattle. Farms that raise multiple species (*e.g.* dogs, swine, and cattle) present a particular risk for misfeeding.

The other commenter stated that the United States does not recognize all the OIE's risk designations for BSE, noting that the United States still considers several countries as controlled risk regions though the OIE has classified them as negligible risk.

As we explained above, § 92.5 of the regulations provides two ways that APHIS may classify a region for BSE. One way is for countries that have not received a risk classification from the OIE to request classification by APHIS. The other way is for APHIS to concur with the classification given to a country by the OIE. If the OIE has recognized a country as either BSE negligible risk or BSE controlled risk, APHIS will seek information to support our concurrence with the OIE classification. This information may be publicly available information, or APHIS may request that countries supply the same information given to the OIE.

The length of APHIS's review of information in support of concurrence depends on a number of factors, including whether the information is publicly available, and, if it is not publicly available, how quickly a country responds to our request for information. This notice updates APHIS' list of regions recognized as negligible risk for BSE to include all the regions for which we have been able to review information. We intend to announce concurrence with additional countries recognized by the OIE in a future notice.

One commenter noted that while the OIE guidelines call for removal of specified risk materials (SRMs) from animals older than 30 months of age, our regulations require the removal of SRMs from animals 30 months of age or older. The commenter stated that while this is not a significant difference from an epidemiological perspective, it creates a major problem for certification through the veterinary services of exporting countries and presents a barrier to trade.

APHIS notes that the wording "30 months of age or older" is consistent with Food Safety and Inspection Service (FSIS) and U.S. Food and Drug Administration (FDA) regulations as well as with Canadian regulations. We also note that anyone wishing to import bovine products into the United States must also meet FSIS or FDA requirements as well as APHIS requirements. We do not anticipate that this difference will have a significant impact on trade.

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[1] To view the notice and the comments we received, go to *http://www.regulations.gov/#!docketDetail;D=APHIS-2015-0055.*

In the December 2015 notice, we mistakenly announced our intent to recognize Romania as a region of negligible risk for BSE. In December 2014, the OIE suspended Romania's status as a negligible risk region because Romania reported a case of atypical BSE. Since then, the OIE has announced its intent to reinstate Romania's status as a region of negligible risk for BSE. We will be seeking information to verify Romania's status and will announce our intent to concur with the OIE's designation in a future notice.

Also in the December 2015 notice, we announced our intent to recognize France as a region of negligible risk for BSE in concurrence with the OIE. Since then, France has confirmed a case of classical BSE in a 5-year-old cow. Accordingly, the OIE has suspended France's status as a region of negligible risk for BSE and reinstated its status as a region of controlled risk effective March 25, 2016. For this reason we have removed France from the list of regions of negligible risk for BSE in this document. We will continue to recognize France as a region of controlled risk for BSE.

Therefore, in accordance with the regulations in § 92.5, we are announcing our decision to concur with the OIE risk classifications of the following countries:

- Regions of negligible risk for BSE: Bulgaria, Cyprus, Czech Republic, Estonia, Hungary, India, Korea (Republic of), Latvia, Liechtenstein, Luxembourg, Malta, Portugal, Slovakia, and Switzerland.

Authority: 7 U.S.C. 1622 and 8301–8317; 21 U.S.C. 136 and 136a; 31 U.S.C. 9701; 7 CFR 2.22, 2.80, and 371.4.

Done in Washington, DC, this 4th day of August, 2016.

Kevin Shea,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 2016–18985 Filed 8–9–16; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. APHIS–2016–0011]

Notice of Decision To Authorize the Importation of Fresh Figs From Peru Into the Continental United States

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice.

SUMMARY: We are advising the public of our decision to authorize the importation of fresh figs (*Ficus carica*) from Peru into the continental United States. Based on the findings of a pest risk analysis, which we made available for the public to review and comment through a previous notice, we have concluded that the application of designated phytosanitary measures will be sufficient to mitigate the risks of introducing or disseminating plant pests via the importation of fresh figs from Peru.

DATES: Effective August 10, 2016.

FOR FURTHER INFORMATION CONTACT: Ms. Claudia Ferguson, Senior Regulatory Policy Specialist, Regulatory Coordination and Compliance, Imports, Regulations, and Manuals, PPQ, APHIS, 4700 River Road, Unit 133, Riverdale, MD 20737–1231; (301) 851–2352; *Claudia.Ferguson@aphis.usda.gov.*

SUPPLEMENTARY INFORMATION: Under the regulations in "Subpart–Fruits and Vegetables" (7 CFR 319.56–1 through 319.56–75, referred to below as the regulations), the Animal and Plant Health Inspection Service (APHIS) prohibits or restricts the importation of fruits and vegetables into the United States from certain parts of the world to prevent plant pests from being introduced into or disseminated within the United States.

Section 319.56–4 contains a performance-based process for approving the importation of certain fruits and vegetables that, based on the findings of a pest risk analysis, can be safely imported subject to one or more of the designated phytosanitary measures listed in paragraph (b) of that section.

In accordance with that process, we published a notice[1] in the **Federal Register** on March 14, 2016 (81 FR 13310–13311, Docket No. APHIS–2016–0011), in which we announced the availability, for review and comment, of a pest risk assessment (PRA) that identifies pests of quarantine significance that could follow the pathway of importation of figs from Peru into the continental United States. Based on the PRA, a risk management document (RMD) was prepared to identify phytosanitary measures that could be applied to the figs to mitigate the pest risk. The RMD recommended that all of the following phytosanitary measures be applied to the importation of figs from Peru into the continental United States:

- The figs must be imported as commercial consignments only;
- Each consignment of figs must be accompanied by a phytosanitary certificate issued by the national plant protection organization (NPPO) of Peru;
- Each consignment of figs must be treated in accordance with 7 CFR part 305; and
- Each consignment of figs is subject to inspection upon arrival at the port of entry to the United States.

We solicited comments on the PRA and RMD for 60 days, ending on May 13, 2016. We received four comments by that date, from a State department of agriculture, the Peruvian Government, the Peruvian embassy, and a U.S. port of entry.

Three of the commenters supported the importation of fresh figs from Peru into the continental United States.

One commenter pointed out that the notice would allow figs from Peru to be irradiated in the United States. The commenter expressed concern that this could present a risk of introducing quarantine pests that could follow the pathway of figs from Peru into the United States, and that such introduction would present a significant risk to States in which the pests could become established. For this reason, the commenter stated that irradiation should either have to take place in Peru or in areas of the United States north of the 39th parallel, in which the pests could not become established.

We appreciate the commenter's concern regarding irradiation of the figs in areas of the United States where quarantine plant pests that could potentially follow the pathway of importation of the figs from Peru could become established. Indeed, our regulations governing the approval of irradiation facilities in the United States, which are found in 7 CFR 305.9, require that, if an irradiation facility is located in a State where quarantine pests that are targeted by irradiation could become established, then it must take additional safeguards, specified within that section, in order to address this pest risk. However, because § 305.9 also allows irradiation treatment for imported commodities to take place within the United States, and does not preclude it from taking place in States where establishment of quarantine pests is possible, such as areas south of the 39th parallel, we cannot grant the commenter's request.

Therefore, in accordance with § 319.56–4(c)(2)(ii), we are announcing our decision to authorize the importation of figs from Peru into the continental United States subject to all of the following phytosanitary measures:

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[1] To view the notice, PRA, RMD, and comments we received, go to *http://www.regulations.gov/#!docketDetail;D=APHIS-2016-0011.*

- The figs must be imported as commercial consignments only;
- Each consignment of figs must be accompanied by a phytosanitary certificate issued by the NPPO of Peru;
- Each consignment of figs must be treated in accordance with 7 CFR part 305; and
- Each consignment of figs is subject to inspection upon arrival at the port of entry to the United States.

These conditions will be listed in the Fruits and Vegetables Import Requirements database (available at *http://www.aphis.usda.gov/favir/*). In addition to these specific measures, figs from Peru will be subject to the general requirements listed in § 319.56–3 that are applicable to the importation of all fruits and vegetables.

Authority: 7 U.S.C. 450, 7701–7772, and 7781–7786; 21 U.S.C. 136 and 136a; 7 CFR 2.22, 2.80, and 371.3.

Done in Washington, DC, this 4th day of August, 2016.

Kevin Shea,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 2016–18990 Filed 8–9–16; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service

Agency Information Collection Activities: Proposed Collection; Comment Request—Supplemental Nutrition Assistance Program: State Issuance and Participation Estimates—Recordkeeping for Forms FNS–388 and FNS–388A

AGENCY: Food and Nutrition Service (FNS), USDA.

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, the Food and Nutrition Service (FNS) is publishing for public comment a summary of a proposed information collection. This is a revision of a currently approved collection for the Supplemental Nutrition Assistance Program (SNAP), the forms FNS–388, State Issuance and Participation Estimates, and FNS–388A, Project Area Data Format. The reporting burden for forms FNS–388 and FNS–388A were merged in 2015 with the burden for the Food Programs Reporting System (OMB control number 0584–0594, expiration date June 30, 2019). This 60-day notice serves to renew the recordkeeping burden only for these two forms.

DATES: Written comments must be received on or before October 11, 2016.

ADDRESSES: Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on those who are to respond, including use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Comments may be sent to Jane Duffield, Chief, State Administration Branch, Supplemental Nutrition Assistance Program, Food and Nutrition Service, U.S. Department of Agriculture, 3101 Park Center Drive, Room 818, Alexandria, VA 22302. Comments may also be submitted via email to *SNAPSAB@fns.usda.gov.* Comments will also be accepted through the federal eRulemaking Portal. Go to *http://www.regulations.gov,* and follow the online instructions for submitting comments electronically.

All responses to this notice will be summarized and included in the request for Office of Management and Budget approval. All comments will become a matter of public record.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of this information collection should be directed to Ralph Badette at 703–457–7717.

SUPPLEMENTARY INFORMATION:

Title: State Issuance and Participation Estimates.

Form Number: FNS–388 and FNS–388A.

OMB Number: 0584–0081.

Expiration Date: July 31, 2016.

Type of Request: Revision of a currently approved collection.

Abstract: Section 18(b) of the Food and Nutrition Act, (the Act) 7 U.S.C. 2027(b), limits the value of allotments paid to SNAP households to an amount not in excess of the appropriation for the fiscal year. If allotments in any fiscal year would exceed the appropriation, the Secretary of Agriculture is required to direct State agencies to reduce the value of SNAP allotments to the extent necessary to stay within appropriated funding limits. Timely State monthly issuance estimates are necessary for FNS to ensure that it remains within the appropriation. The estimates will also have a direct effect upon the manner in which allotments would be reduced if necessary. While benefit reductions have never been ordered in the past under section 18(b) nor are they anticipated based on current data, the Department must continue to monitor actual program costs against the appropriation. The reporting burden for forms FNS–388 and FNS–388A was merged in 2015 with the burden for the Food Programs Reporting System (OMB control number 0584–0594, expiration date June 30, 2019). This 60-day notice serves to renew the recordkeeping burden only for these two forms.

Section 11(e)(12) of the Food and Nutrition Act, 7 U.S.C. 2020 (e)(12), requires that the State Plan of Operations provide for the submission of reports required by the Secretary of Agriculture. State agencies are required to report on a monthly basis on the FNS–388, State Issuance and Participation Estimates, estimated or actual issuance and participation data for the current month and previous month, and actual participation data for the second preceding month. The FNS–388 report provides the necessary data for an early warning system to enable the Department to monitor actual and estimated costs for all benefit types against the appropriation.

Disaster SNAP is authorized by sections 402 and 502 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 *et seq.*) and the temporary emergency provisions contained in Section 5 of the Food and Nutrition Act of 2008, and in 7 CFR part 280 of the SNAP regulations. State agencies may request FNS approval to operate a Disaster SNAP in an area that has received a Presidential declaration as a Major Disaster area eligible for Individual Assistance. In accordance with 7 CFR 274.4, State agencies shall keep records and report SNAP participation and issuance totals to FNS.

State agencies in general only submit one statewide FNS–388 per month, which covers benefits from their Electronic Benefit Transfer (EBT) system. The exception is State agencies that choose to operate an approved alternative issuance demonstration project such as a cash-out system submit a separate report for each additional type of issuance system. As a result of the reporting burden for these forms being merged with 0584–0594, the collective burden will be reduced by 5,187 hours. The remaining 17.28 hours represents the State recordkeeping burden for these forms. Per 7 CFR 272.1(f), State agencies are required to retain all records associated with the administration of SNAP for no less than

3 years. The recordkeeping burden has not changed.

Affected Public: State agencies that administer SNAP.

Estimated Number of Respondents: 53.

Estimated Number of Responses per Respondent: 13.58.

Estimated Total Annual Responses: 719.74 rounded up to 720.

Estimated Hours per Response: .024.

Estimated Total Annual Burden on Respondents: This revised annual recordkeeping burden for OMB No. 0584–0081, is 17.28 hours. The current burden inventory for this collection is 5,187 hours. This decrease is a result merging the reporting burden to OMB# 0584–0594 collection. See the table below for estimated total annual burden.

Affected public	Forms	Number of recordkeepers	Frequency of response	Total annual records	Time per response (hours)	Annual recordkeeping hours
State Agencies	FNS–388	53	11.32	600	.024	14.4
	FNS–388A	53	2.26	120	.024	2.88
Record-keeping Burden	....	53	13.58	720	0.024	17.28

Dated: July 12, 2016.

Audrey Rowe,

Administrator, Food and Nutrition Service.

[FR Doc. 2016–18972 Filed 8–9–16; 8:45 am]

BILLING CODE 3410–30–P

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service

Agency Information Collection Activities: Proposed Collection; Comments Request—Third Access Participation Eligibility and Certification Study Series (APEC III)

AGENCY: Food and Nutrition Service (FNS), USDA.

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice invites the general public and other public agencies to comment on this proposed information collection. This is a reinstatement, with change, of a previously approved collection for which approval has expired (OMB Number 0584–0530, Expiration Date: 08/31/2015); for the Third Access Participation Eligibility and Certification Study Series (APEC III).

DATES: Written comments must be received on or before October 11, 2016.

ADDRESSES: Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions that were used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on those who are to respond, including use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Comments may be sent to: Devin Wallace-Williams, Ph.D., Food and Nutrition Service, U.S. Department of Agriculture, 3101 Park Center Drive, Alexandria, VA 22302. Comments may also be submitted via fax to the attention of Devin Wallace-Williams, Ph.D. at 703–305–2576 or via email to *Devin.Wallace-Williams@fns.usda.gov.* Comments will also be accepted through the Federal eRulemaking Portal. Go to *http://www.regulations.gov,* and follow the online instructions for submitting comments electronically.

All written comments will be open for public inspection at the office of the Food and Nutrition Service during regular business hours (8:30 a.m. to 5:00 p.m. Eastern Standard Time Monday through Friday) at 3101 Park Center Drive, Alexandria, Virginia 22302.

All responses to this notice will be summarized and included in the request for Office of Management and Budget approval. All comments will be a matter of public record.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of this information collection should be directed to Devin Wallace-Williams, Ph.D. at 703–457–6791.

SUPPLEMENTARY INFORMATION:

Title: Third Access, Participation, Eligibility, and Certification Study Series (APEC III).

Form Number: Not applicable.

OMB Number: 0584–0530.

Expiration Date: Not Yet Determined.

Type of Request: Reinstatement, with change, of a previously approved collection for which approval has expired.

Abstract: The purpose of this third study on Access, Participation, Eligibility, and Certification (APEC III) is to provide the Food and Nutrition Service (FNS) with key information on the annual error rates and erroneous payments for the National School Lunch Program (NSLP) and School Breakfast Program (SBP) in school year (SY) 2017–2018. In addition, APEC III will identify School Food Authority (SFA), school, and student/household characteristics that may be related to error rates, and identify strategies and actionable guidance for reducing errors. Specifically, the four study objectives are:

- Objective 1: Generate a national estimate of the annual amount of erroneous payments based on School Year 2017–2018 by replicating the APEC methodology.
- Objective 2: Provide a robust examination of the relationship of student (household), school, and SFA characteristics to error rates.
- Objective 3: Conduct a sub-study on the differences in error rates among SFAs using different implementation strategies in their school meals programs.
- Objective 4: Perform qualitative analyses examining the reasons for erroneous payments.

Consistent with APEC methodology, APEC III will collect data to address the study objectives using a multistage–clustered sample design, which will include:

- A nationally representative sample of SFAs in the contiguous 48 states and the District of Columbia;
- A stratified sample of schools within each SFA (*i.e.* sampling from SFAs with Community Eligibility Provision (CEP) schools and from SFAs without CEP schools independently to ensure proportional representation in the final sample); and
- A random sample of students (households) within each sampled school that applied for free and reduced-price meals (including denied applicants), were categorically eligible for free meals, or were directly certified for free meals.

APEC III will collect data via in-person visits to SFAs, schools, and households to measure certification, aggregation, and meal claiming errors. Data collection will include (a) abstraction from income eligibility applications, categorical eligibility records and CEP records for determining the identified student percentage (ISP); (b) abstraction of meal count and claiming records from SFAs, schools and FNS administrative data; (c) an SFA director survey; (d) school meal observations; and (e) household surveys. Abstraction of income eligibility data and household surveys will take place three times during the study year to ensure coverage of applicants from different times during the year. APEC III data collection will also include qualitative data collection to help better understand the factors that contribute to errors, including an SFA director interview, a cafeteria manager interview and in-depth interviews with select households. Finally, administrative meal participation data (data on the number of meals served and claimed for sampled students) will be collected as well.

To measure certification error in non-CEP schools due to administrative errors, APEC III will independently determine certification status based on abstracted application data to assess errors in the SFA determination of certification status. To measure certification error in non-CEP schools due to household reporting errors, APEC III will independently determine certification status based on household survey data. This independent determination will be compared to certification status based on data reported on the application. To measure meal claiming errors, APEC III will conduct observations of a sample of meals served to students to confirm that meals claimed for reimbursement meet the meal pattern requirements. To measure aggregation error APEC III will abstract meal count and claiming records from different sources (school, SFA, State) for a target month, and identify discrepancies in data reported at each stage of the meal counting and claiming process. The following describes the types of error:

1. Certification errors

- Certification errors occur when students are certified for levels of benefits for which they are not eligible. Specifically, the student is certified for the wrong meal eligibility category.
- Because each meal eligibility category is reimbursed at different rates, an error in certification results in an incorrect level of benefit being paid to the SFA—either an overpayment or underpayment.
- Certification error may result from administrative error on the part of the SFA during application review or it can result from a household reporting error.
- Certification errors contribute the largest share to the total erroneous payments.

2. Meal claiming errors

- Meal claiming errors occur when there is an improper classification of meal reimbursement status based on meal components served.
- In schools operating with offer versus serve, including all high schools, the student may select fewer meal components/food items and still have a reimbursable meal (provided all components are *offered* to the student).
- In schools that are *not* operating under "offer versus serve," a complete meal must contain all meal components required under the breakfast or lunch meal patterns.

3. Aggregation errors

- Aggregation errors occur in the process of counting, consolidating, and claiming the number of meals served in a given month (by claiming category—free, reduced priced, or paid)
- This occurs in the transmission of meal count and claim data between school, SFA, State and USDA for reimbursement.

The sample will include schools participating in the CEP and non-CEP schools. In summary, CEP allows school districts, individual schools, or groups of schools to offer breakfasts and lunches at no charge to all students if at least 40 percent of their students are "Identified Students"—that is, approved for free meals without an application based on participation in programs such as the Supplemental Nutrition Assistance Program (SNAP) or Temporary Assistance for Needy Families (TANF). In CEP, all meals are free to students. However, the percentage of meals claimed at the free and paid reimbursement level is determined by the Identified Student Percentage (ISP). Thus, the procedures for measuring certification errors in CEP will be focused on independently verifying the ISP and the claiming percentages for free and paid meals.

The analysis plan includes four components: Calculating error and erroneous payment estimates, comparisons to APEC I and APEC II estimates, quantitative and qualitative analyses to identify factors associated with errors, and developing an error forecasting model. The calculation of estimates from APEC III will include the incidence of error, the total dollar amount of error and the dollar based error rate. The comparisons to prior APEC studies will include tests for significant changes over time. The quantitative and qualitative analyses will examine the sources and causes of errors with a focus on identifying potential policy options for reducing errors. Finally, the estimation modeling will provide both State and National models for estimating errors using econometric forecasting and Bayesian approaches, and small area estimation models (for State level estimates).

Affected Public: Individuals/Households, State, Local, or Tribal Government, and Businesses and Other for Profit and Not for Profit Organizations. Respondent groups identified include: (1) Child Nutrition (CN) State agencies, (2) School Food Authorities (SFAs), (3) Schools (both CEP schools and non-CEP schools), and (4) parents/guardians of sampled students that are either certified to receive a free or reduced price meal or who applied for but were denied benefits in School Year (SY) 2017–18.

Estimated Number of Respondents: The total estimated number of respondents is 9,456. This includes 7,606 responding program participants, (b) 1,824 non-responding program participants, and (c) 26 program non-participants. The responding program participants include: 44 State CN agency administrators; 44 State CN data managers; 275 directors at SFAs; 275 staff at SFAs; 275 data managers at SFAs; 625 school principals; 625 school staff; 625 school cafeteria managers; and 4,818 parents or guardians of sampled students. The number of SFA Directors, Cafeteria Managers and parents or guardians that will also complete the qualitative in-depth interviews are included in the counts. Non-responding program participants include: 62 directors at SFAs, 156 school principals, and 1,606 parents or guardians of sampled students. Program non-participants, as part of cognitive pretesting, include: 9 SFA Director Survey Pre-test participants; 3 SFA Director In-Depth Interview Pre-test participants; 2 Cafeteria Manager In-Depth Interview Pre-test participants; 9 Household Survey Pre-test participants; and 3 Household In-Depth Interview Pre-test participants.

Estimated Frequency of Responses per Respondent: The estimated frequency of response across the entire collection is 6.25. For the respondents, the estimated frequency of response is estimated at 7.01 annually, while the frequency for non-respondents is estimated at 3.09 annually. Administrators at State CN agencies will be contacted up to two times: (1) Initial study contact and (2) a one-time data request for meal count and claiming data submitted by the sampled SFAs for the SY 2017–2018. Data managers at the State CN agencies will be expected to provide a response to the one-time data request.

The SFAs (SFA directors, staff at the SFAs, and/or data managers at the SFA) will be contacted up to eight times for: (1) Study notification and request for the verification of administrative data (2) to complete a telephone pre-visit interview; (3) an on-site visit to abstract records; (4) a telephone contact to ask for any additional income eligibility applications for new students enrolled during phase 2 of data collection; (5) a telephone contact to ask for any additional income eligibility applications for new students enrolled during phase 3 of data collection; (6) a request for administrative data submitted to the State CN agency; (7) a request to complete a web-based SFA Director Survey; and (8) a telephone contact with a sub-set of 60 SFA Directors that complete the SFA Director Survey to complete a qualitative in-depth interview.

Schools (principals, staff, and/or cafeteria managers) will be contacted up to three times for: (1) Study notification; (2) to complete a pre-visit telephone interview to help prepare for the in-person data collection visit; and (3) an onsite data collection visit to abstract meal count and claiming records, conduct observations of meal service and to complete a brief interview with the cafeteria manager.

Parents or guardians of sampled households will be contacted up to three occasions for: (1) Recruitment; (2) to complete a one time in-person household survey; and (3) to complete an in-depth phone interview (with a subset of 60 households that completed the Household Survey).

There will be approximately 62 non-responding SFAs, 156 non-responding schools, and 1,606 non-responding households. The burden for non-respondents is outlined in the table that follows, and includes the time to review introductory materials and respond to the follow up contact call, as well as data collection activities.

Program non-participants are contacted only once for the pretesting of survey instruments.

Estimated Total Annual Responses: The total estimated number of responses for data collection is 59,133. This includes 53,505 for respondents and 5,628 for non-respondents.

Estimated Time per Response: The estimated time per response is 14.76 minutes (0.246 hours) for respondents, and 2.94 minutes (0.049 hours) for non-respondents. The estimated time of response across the entire collection is 13.62 minutes (0.227 hours). The estimated time of response varies from 1 minute to four hours depending on respondent group, as shown in the table below.

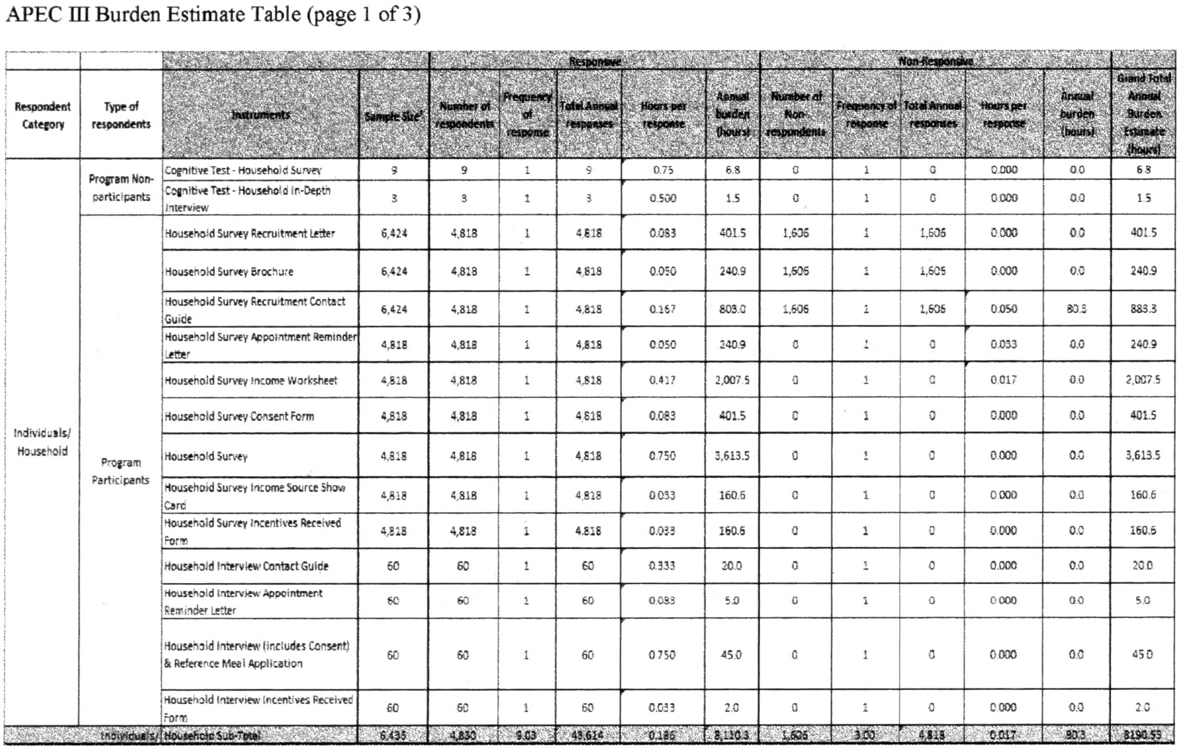
Estimated Total Annual Burden on Respondents: The total public reporting burden for this collection of information is estimated at 13,445 hours (annually). The estimated burden for each type of respondent is given in the table below.

Dated: August 2, 2016.

Yvette S. Jackson,

Acting Administrator, Food and Nutrition Service.

BILLING CODE 3410–30–P



APEC III Burden Estimate Table (page 1 of 3)

				Responsive					Non-Responsive					
Respondent Category	Type of respondents	Instruments	Sample Size[1]	Number of respondents	Frequency of response	Total Annual responses	Hours per response	Annual burden (hours)	Number of Non-respondents	Frequency of response	Total Annual responses	Hours per response	Annual burden (hours)	Grand Total Annual Burden Estimate (hours)
Individuals/ Household	Program Non-participants	Cognitive Test - Household Survey	9	9	1	9	0.75	6.8	0	1	0	0.000	0.0	6.8
		Cognitive Test - Household In-Depth Interview	3	3	1	3	0.500	1.5	0	1	0	0.000	0.0	1.5
	Program Participants	Household Survey Recruitment Letter	6,424	4,818	1	4,818	0.083	401.5	1,606	1	1,606	0.000	0.0	401.5
		Household Survey Brochure	6,424	4,818	1	4,818	0.050	240.9	1,606	1	1,606	0.000	0.0	240.9
		Household Survey Recruitment Contact Guide	6,424	4,818	1	4,818	0.167	803.0	1,606	1	1,606	0.050	80.3	883.3
		Household Survey Appointment Reminder Letter	4,818	4,818	1	4,818	0.050	240.9	0	1	0	0.033	0.0	240.9
		Household Survey Income Worksheet	4,818	4,818	1	4,818	0.417	2,007.5	0	1	0	0.017	0.0	2,007.5
		Household Survey Consent Form	4,818	4,818	1	4,818	0.083	401.5	0	1	0	0.000	0.0	401.5
		Household Survey	4,818	4,818	1	4,818	0.750	3,613.5	0	1	0	0.000	0.0	3,613.5
		Household Survey Income Source Show Card	4,818	4,818	1	4,818	0.033	160.6	0	1	0	0.000	0.0	160.6
		Household Survey Incentives Received Form	4,818	4,818	1	4,818	0.033	160.6	0	1	0	0.000	0.0	160.6
		Household Interview Contact Guide	60	60	1	60	0.333	20.0	0	1	0	0.000	0.0	20.0
		Household Interview Appointment Reminder Letter	60	60	1	60	0.083	5.0	0	1	0	0.000	0.0	5.0
		Household Interview (includes Consent) & Reference Meal Application	60	60	1	60	0.750	45.0	0	1	0	0.000	0.0	45.0
		Household Interview Incentives Received Form	60	60	1	60	0.033	2.0	0	1	0	0.000	0.0	2.0
Individuals/ Household Sub-Total			6,435	4,830	9.03	43,614	0.186	8,110.3	1,606	3.00	4,818	0.017	80.3	8190.55

APEC III Burden Estimate Table (page 2 of 3)

				Responsive					Non-Responsive					
Respondent Category	Type of respondents	Instruments	Sample Size[1]	Number of respondents	Frequency of response	Total Annual responses	Hours per response	Annual burden (hours)	Number of Non-respondents	Frequency of response	Total Annual responses	Hours per response	Annual burden (hours)	Grand Total Annual Burden Estimate (hours)
State Child Nutrition Agency	State Director	State Initial Contact Follow Up Guide	44	44	1	44	0.250	11.0	0	0	0	0.000	0.0	11.0
		Template SFA Sample Notification E-Letter from State CN Director to SFA Director	44	44	1	44	0.083	3.7	0	0	0	0.000	0.0	3.7
	Data Manager	State Meal Claim Request	44	44	1	44	4.000	176.0	0	0	0	0.000	0.0	176.0
State Government Sub-Total			88	88	1.50	132	1.444	190.7	0	0.00	0	0.000	0.0	190.67
School Food Authority (SFA)	Program Non-participants	Cognitive Test - SFA Director Survey	9	9	1	9	1.000	9.0	0	1	0	0.000	0.0	9.0
		Cognitive Test - SFA Director In-Depth Interview	3	3	1	3	0.917	2.8	0	1	0	0.000	0.0	2.8
	SFA Director	SFA Study Notification and School Data Verification E-Letter & SFA School Data Verification Reference Guide	337	275	1	275	3.000	825.0	62	1	62	0.500	31.0	856.0
		APEC III Fact Sheet (for SFAs and Schools)	337	275	1	275	0.085	22.9	62	1	62	0.083	5.2	28.1
		SFA Follow Up Contact Guide (Study Notification and School Data Verification)	337	275	1	275	0.250	68.8	62	1	62	0.250	15.5	84.3
		SFA Automated Email-Receipt of Verification of School Data	275	275	1	275	0.017	4.6	0	0	0	0.250	0.0	4.6
		SFA Confirmation and Next Steps Email	275	275	1	275	0.083	22.9	0	0	0	0.000	0.0	22.9
		SFA School Sample Notification E-Letter	275	275	1	275	0.083	22.9	0	0	0	0.000	0.0	22.9
		SFA Follow Up Contact Guide (School Sample Notification)	275	275	1	275	0.250	68.8	0	0	0	0.000	0.0	68.8
		Template Notification E-Letter from SFA to Schools	275	275	1	275	0.083	22.9	0	0	0	0.000	0.0	22.9
		SFA Pre-visit Interview	275	275	1	275	0.333	91.7	0	0	0	0.000	0.0	91.7

APEC III Burden Estimate Table (page 3 of 3)

				Responsive					Non-Responsive					
Respondent Category	Type of respondents	Instruments	Sample Size*	Number of respondents	Frequency of response	Total Annual responses	Hours per response	Annual burden (hours)	Number of Non-respondents	Frequency of response	Total Annual responses	Hours per response	Annual burden (hours)	Grand Total Annual Burden Estimate (hours)
School Food Authority (SFA)	SFA Staff	Interact with Data Collector - Access to Records - Phase 1	275	275	1	275	1.000	275.0	0	0	0	0.000	0.0	275.0
		Round 2 & 3 Application Data Abstraction Scheduling Call Guide (if applicable)	275	275	1	275	0.167	45.8	0	0	0	0.000	0.0	45.8
		Interact with Data Collector - Access to Records - Phase 2	275	275	1	275	1.000	275.0	0	0	0	0.000	0.0	275.0
		Round 2 & 3 Application Data Abstraction Scheduling Call Guide (if applicable)	275	10	1	10	0.167	1.7	0	0	0	0.000	0.0	1.7
		Interact with Data Collector - Access to Records - Phase 3	275	275	1	275	1.000	275.0	0	0	0	0.000	0.0	275.0
	SFA Director	SFA Director Survey Consent Form	275	275	1	275	0.083	22.9	0	0	0	0.000	0.0	22.9
		SFA Director Survey (web-based)	275	275	1	275	0.750	206.3	0	0	0	0.000	0.0	206.3
		SFA Director Interview (includes Consent)	60	60	1	60	0.750	45.0	0	0	0	0.000	0.0	45.0
	Data Manager	Interact with Data Manager - Access to SFA Claim Reimbursement Records	275	275	1	275	2.000	550.0	0	0	0	0.000	0.0	550.0
		SFA Administrative Data Request	275	275	1	275	2.000	550.0	0	0	0	0.000	0.0	550.0
Schools	School Principal	School Study Notification E-Letter	781	625	1	625	0.083	52.1	156	1	156	0.333	52.0	104.1
		APEC III Fact Sheet (for SFAs and Schools)	781	625	1	625	0.083	52.1	156	1	156	0.083	13.0	65.1
		School Follow Up Contact Guide	781	625	1	625	0.250	156.3	156	1	156	0.250	39.0	195.3
		School Confirmation and Next Steps Email	781	625	1	625	0.083	52.1	156	1	156	0.250	39.0	91.1
		School Pre-visit Interview	625	625	1	625	0.333	208.3	0	0	0	0.000	0.0	208.3
	School Staff	Interact with Data Collector - Access to School Meal Count Records	625	625	1	625	0.500	312.5	0	0	0	0.000	0.0	312.5
	Program Non-participants	Cognitive Test - Cafeteria Manager In-Depth Interview	2	2	1	2	0.750	1.5	0	1	0	0.000	0.0	1.5
	Cafeteria Manager	Interact with Data Collector for Meal Transaction Observation	625	625	1	625	0.250	156.3	0	0	0	0.000	0.0	156.3
		Cafeteria Manager Interview (includes Consent)	625	625	1	625	0.750	468.8	0	0	0	0.000	0.0	468.8
Profit/Non-Profit Business Subtotal			2,932	2,714	3.60	9,759	0.499	4,868.7	218	3.72	810	0.240	194.7	5,063.35
	TOTAL		9,456	7,632	7.01	53,505	0.246	13,169.6	1,824	3.09	5,628	0.049	275.0	13,445

[FR Doc. 2016–18983 Filed 8–9–16; 8:45 am]

BILLING CODE 3410–30–C

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service

Agency Information Collection Activities: Proposed Collection; Comment Request—Supplemental Nutrition Assistance Program: State Agency Options

AGENCY: Food and Nutrition Service (FNS), USDA.

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice invites the general public and other public agencies to comment on the proposed collection. This is a revision of the currently approved burden for the Supplemental Nutrition Assistance Program (SNAP): State Agency Options information collection.

DATES: Written comments must be received on or before October 11, 2016.

ADDRESSES: Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions that were used; (c) ways to enhance the quality, utility and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical or other technological collection techniques or other forms of information technology.

Comments may be sent to: Sasha Gersten-Paal, Food and Nutrition Service, U.S. Department of Agriculture, 3101 Park Center Drive, Room 812, Alexandria, VA 22302. Comments may also be submitted via fax to the attention of Ms. Gersten-Paal at 703–305–2507 or via email to *Sasha.Gersten-Paal@fns.usda.gov*. Comments will also be accepted through the Federal eRulemaking Portal. Go to *http://www.regulations.gov*, and follow the online instructions for submitting comments electronically.

All responses to this notice will be summarized and included in the request for Office of Management and Budget (OMB) approval. All comments will be a matter of public record.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of this information collection should be directed to Ms. Gersten-Paal at 703–305–2486

SUPPLEMENTARY INFORMATION:

Title: Supplemental Nutrition Assistance Program: State Agency Options.

OMB Number: 0584–0496.

Form Number: None.

Expiration Date: December 31, 2016.

Type of Request: Revision of a currently approved information collection.

Abstract: The collections covered under OMB Number 0584–0496 address information and burden estimates associated with the following State Agency Options: Establishing and reviewing standard utility allowances and establishing methodology for offsetting cost of producing self-employment income.

This notice revises the State Agency Options information collection for the Supplemental Nutrition Assistance Program (SNAP) to reflect changes in the number of States that have implemented the options herein and the change in burden since the previous revision. Federal regulations implementing SNAP application and certification procedures are contained in parts 271, 272 and 273 of title 7 of the Code of Federal Regulations (CFR). The regulations addressing State agency options specified in this collection are contained in 7 CFR 273.

Using FNS–388 and 388A, (approved under OMB# 0584–0594 expiration date 6/30/2019), States send aggregate level data on participation, benefits issued, and other basic program information to FNS using the Food Programs Reporting System (FPRS) via this Web site: *https://fprs.fns.usda.gov*. These FNS approved forms are used as supplemental data only and this collection is not seeking any additional burden hours for the use of these forms.

Since the last renewal, there have been changes in the number of States that implement the options in this collection. This collection revises the number of State agencies that have implemented the options herein as well as the burden associated with the collection.

Establishing and Reviewing Standard Utility Allowances

The regulations at 7 CFR 273.9(d)(6)(iii) allow State agencies to establish standard utility allowances (SUA) in place of the actual utility costs incurred by a household. State agencies are required to review and adjust SUAs annually to reflect changes in the costs of utilities. State agencies are required to submit the amounts of standards when they are changed and methodologies used to develop and update the standards to FNS for approval when they are developed or changed.

Estimates of burden: FNS estimates 53 State agencies will submit one request each to adjust the SUAs, for a total annual response of 53 requests at a minimum of 2.5 hours annually (53 State agencies × 1 SUAs request = 53 total annual responses × 2.5 hours = 132.5 hours). The total burden for this provision is estimated to be 132.5 hours per year. This is an increase of 2.5 hours from the previous submission, due to an increase in State agencies implementing this option.

Self-Employment Costs

The regulations at 7 CFR 273.11(b) allow self-employment income to be reduced by the cost of producing such income. The regulations allow the State agencies, with approval from FNS, to establish the methodology for offsetting the costs of producing self-employment income, as long as the procedure does not increase program costs.

Estimates of burden: Based on the information provided in the Twelfth Edition of the SNAP State Options Report, out of the 53 State agencies, 21 State agencies have incorporated a methodology for determining the cost of doing business in self-employment cases. This is an increase from 18 States in the previously approved information collection. It is estimated that these 21 States will submit one request each, totaling 21 annual responses. States will incur a burden of at least 10 working hours gathering and analyzing data, developing the methodology, determining the cost implication and submitting a request to FNS, for a total burden of 210 hours annually (21 State agencies × 1 request = 21 total annual responses × 10 working hours = 210 burden hours). This is an increase of 30 burden hours from the previous submission.

Record Keeping Burden Only

All 53 State agencies are required to keep and maintain one record of the information gathered and submitted to FNS for the SUA and self-employment options. It is estimated that this process will take 7 minutes or .1169 hours per year for each State agency, resulting in a total annual burden of 6 hours (53 State agencies × 1 record = 53 total annual records × .1169 hours = 6 hours). This burden remains unchanged from the previous submission.

The following table illustrates the burden estimates associated with the State agency options included in this collection.

Respondent and reporting activities	Estimated number of respondents	Responses annually per respondent	Total annual responses	Estimated average number of hours per response	Estimated total hours (Col. dxe)
Reporting Burden—Establishing and Reviewing Standard Utility Allowances (SUAs)					
State, Local or Tribal Agencies	53	1	53	2.50	132.5
Reporting Burden—Establishing Self-Employment Costs Methodology					
State, Local or Tribal Agencies	21	1	21	10	210
Total Reporting Burden	53		74		342.5
Recordkeeping Burden					
State, Local or Tribal Agencies	53	1	53	0.1169	6
Total Recordkeeping Burden	53		53		6
Total Burden Summary for Reporting and Recordkeeping	53		127		348.5

Dated: August 2, 2016.

Yvette S. Jackson,

Acting Administrator, Food and Nutrition Service.

[FR Doc. 2016–18980 Filed 8–9–16; 8:45 am]

BILLING CODE 3410–30–P

DEPARTMENT OF AGRICULTURE

Forest Service

Withdrawal of Notice of Intent To Prepare an Environmental Impact Statement; Sand Lick Fork Watershed Restoration Project; Daniel Boone National Forest, KY

AGENCY: Forest Service, USDA.

ACTION: Notice of Withdrawal.

SUMMARY: In the Tuesday, September 11, 2012 **Federal Register** (FR) Vo. 77, No. 176, pages 55796–55798, the Forest Service announced its intention to prepare an Environmental Impact Statement (EIS) in accordance with the National Environmental Policy Act, 42 U.S.C. 4321 (NEPA) to improve water quality and reduce soil loss on the Daniel Boone National Forest. The draft environmental impact statement expected in December 2012 was not completed. The Forest Service withdraws the Notice of Intent to prepare an EIS because public involvement discussions revealed a need for additional collaboration. This withdrawal does not preclude future proposals for Forest Service management within the project area.

DATES: This action is effective upon publication in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Jonathan Kazmierski at 606–784–6428 or via email at *jkazmierski@fs.fed.us.* Individuals who use telecommunication devices for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8 a.m. and 8 p.m., Eastern Time, Monday through Friday.

Jonathan Kazmierski,

District Ranger.

[FR Doc. 2016–18690 Filed 8–9–16; 8:45 am]

BILLING CODE 3410–11–M

DEPARTMENT OF AGRICULTURE

Forest Service

Tehama County Resource Advisory Committee Meeting

AGENCY: Forest Service, USDA.

ACTION: Notice of meeting.

SUMMARY: The Tehama County Resource Advisory Committee (RAC) will meet in Red Bluff, California. The committee is authorized under the Secure Rural Schools and Community Self-Determination Act (the Act) and operates in compliance with the Federal Advisory Committee Act. The purpose of the committee is to improve collaborative relationships and to provide advice and recommendations to the Forest Service concerning projects and funding consistent with Title II of the Act. RAC information can be found at the following Web site: *http://www.fs.usda.gov/main/pts/specialprojects/racweb.*

DATES: The meeting will be held on August 25, 2016, from 9:00 a.m. to 12:00 p.m.

All RAC meetings are subject to cancellation. For status of meeting prior to attendance, please contact the person listed under **FOR FURTHER INFORMATION CONTACT.**

ADDRESSES: The meeting will be held at the Tehama County Farm Bureau, 275 Sale Lane, Red Bluff, California. Written comments may be submitted as described under **SUPPLEMENTARY INFORMATION**. All comments, including names and addresses when provided, are placed in the record and are available for public inspection and copying. The public may inspect comments received at the USDA Mendocino National Forest, Grindstone Ranger District, 825 North Humboldt Avenue, Willows, California. Please call ahead at 530–934–3316 to facilitate entry into the building.

FOR FURTHER INFORMATION CONTACT: Randy Jero, Committee Coordinator by phone at 530–934–3316, or via email at *rjero@fs.fed.us.* Individuals who use telecommunication devices for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8:00 a.m. and 8:00 p.m., Eastern Standard Time, Monday through Friday.

SUPPLEMENTARY INFORMATION: The purpose of the meeting is to discuss current or completed projects and present new projects for review. The meeting is open to the public. The agenda will include time for people to make oral statements of three minutes or less. Individuals wishing to make an oral statement should request in writing by August 18, 2016, to be scheduled on the agenda. Anyone who would like to bring related matters to the attention of the committee may file written statements with the committee staff before or after the meeting. Written comments and requests for time for oral comments must be sent to Randy Jero, Committee Coordinator, USDA Mendocino National Forest, Grindstone Ranger District, 825 North Humboldt Avenue, Willows, California 95988; or by email to *rjero@fs.fed.us,* or via facsimile to 530–934–7384.

Meeting Accommodations: If you are a person requiring reasonable accommodation, please make requests in advance for sign language interpreting, assistive listening devices or other reasonable accommodation. For access to the facility or proceedings, please contact the person listed in the section titled **FOR FURTHER INFORMATION CONTACT**. All reasonable accommodation requests are managed on a case by case basis.

Dated: August 3, 2016.

Eduardo Olmedo,

District Ranger.

[FR Doc. 2016–18824 Filed 8–9–16; 8:45 am]

BILLING CODE 3411–15–M

DEPARTMENT OF AGRICULTURE

Forest Service

Newspapers Used for Publication of Legal Notices by the Intermountain Region; Utah, Idaho, Nevada, and Wyoming

AGENCY: Forest Service, USDA.

ACTION: Notice.

SUMMARY: This notice lists the newspapers that will be used by the ranger districts, forests and regional office of the Intermountain Region to publish legal notices required under 36 CFR 214, 219, and 218. The intended effect of this action is to inform interested members of the public which newspapers the Forest Service will use to publish notices of proposed actions and notices of decision. This will provide the public with constructive notice of Forest Service proposals and decisions provide information on the procedures to comment, object or appeal, and establish the date that the Forest Service will use to determine if comments or appeals/objection were timely.

DATES: Publication of legal notices in the listed newspapers will begin on or after July 2016. The list of newspapers will remain in effect until June 2017, when another notice will be published in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Kris Rutledge, Regional Appeals/Objection Coordinator, Intermountain Region, 324 25th Street, Ogden, UT 84401 and phone (801) 625–5146.

SUPPLEMENTARY INFORMATION: The administrative procedures at 36 CFR 214, 219, and 218 require the Forest Service to publish notices in a newspaper of general circulation. The content of the notices is specified in 36 CFR 214, 219 and 218. In general, the notices will identify: The decision or project, by title or subject matter; the name and title of the official making the decision; how to obtain additional information; and where and how to file comments or appeals/objection. The date the notice is published will be used to establish the official date for the beginning of the comment or appeal/objection period. The newspapers to be used are as follows:

Regional Forester, Intermountain Region

Regional Forester decisions affecting National Forests in Idaho: *Idaho Statesman*

Regional Forester decisions affecting National Forests in Nevada: *Reno Gazette-Journal*

Regional Forester decisions affecting National Forests in Wyoming: *Casper Star-Tribune*

Regional Forester decisions affecting National Forests in Utah: *Salt Lake Tribune*

Regional Forester decisions that affect all National Forests in the Intermountain Region: *Salt Lake Tribune*

Ashley National Forest

Ashley Forest Supervisor decisions: *Vernal Express*

District Ranger decisions for Duchesne, Roosevelt: *Uintah Basin Standard*

Flaming Gorge District Ranger for decisions affecting Wyoming: *Rocket Miner*

Flaming Gorge and Vernal District Ranger for decisions affecting Utah: *Vernal Express*

Boise National Forest

Boise Forest Supervisor decisions: *Idaho Statesman*

Cascade District Ranger decisions: *The Star-News*

Emmett District Ranger decisions: *Messenger-Index*

District Ranger decisions for Idaho City and Mountain Home: *Idaho Statesman*

Lowman District Ranger decisions: *Idaho World*

Bridger-Teton National Forest

Bridger-Teton Forest Supervisor and District Ranger decisions: *Casper Star-Tribune*

Caribou-Targhee National Forest

Caribou-Targhee Forest Supervisor decisions for the Caribou portion: *Idaho State Journal*

Caribou-Targhee Forest Supervisor decisions for the Targhee portion: *Post Register*

District Ranger decisions for Ashton, Dubois, Island Park, Palisades and Teton Basin: *Post Register*

District Ranger decisions for Montpelier, Soda Springs and Westside: *Idaho State Journal*

Dixie National Forest

Dixie Forest Supervisor decisions: *The Spectrum*

District Ranger decisions for Cedar City, Escalante, Pine Valley and Powell: *The Spectrum.*

Fremont (formerly Teasdale) District Ranger decisions: *Richfield Reaper*

Fishlake National Forest

Fishlake Forest Supervisor and District Ranger decisions: *Richfield Reaper*

Humboldt-Toiyabe National Forest

Humboldt-Toiyabe Forest Supervisor decisions that encompass all or portions of both the Humboldt and Toiyabe National Forests: *Reno Gazette-Journal*

Humboldt-Toiyabe Forest Supervisor decisions for the Humboldt portion: *Elko Daily Free Press*

Humboldt-Toiyabe Forest Supervisor decisions for the Toiyabe portion: *Reno Gazette-Journal*

Austin District Ranger decisions: *The Battle Mountain Bugle*

Bridgeport and Carson District Ranger decisions: *Reno Gazette-Journal*

Ely District Ranger decisions: *The Ely Times*

District Ranger decisions for Jarbidge, Mountain City and Ruby Mountains: *Elko Daily Free Press*

Santa Rosa District Ranger decisions: *Humboldt Sun*

Spring Mountains National Recreation Area District Ranger decisions: *Las Vegas Review Journal*

Tonopah District Ranger decisions: *Tonopah Times Bonanza-Goldfield News*

Manti-La Sal National Forest

Manti-La Sal Forest Supervisor decisions: *Sun Advocate*

Ferron District Ranger decisions: *Emery County Progress*

Moab District Ranger decisions: *Times Independent*

Monticello District Ranger decisions: *San Juan Record*

Price District Ranger decisions: *Sun Advocate*

Sanpete District Ranger decisions: *Sanpete Messenger*

Payette National Forest

Payette Forest Supervisor decisions: *Idaho Statesman*

Council District Ranger decisions: *Adams County Record*

District Ranger decisions for Krassel, McCall and New Meadows: *Star News*

Weiser District Ranger decisions: *Signal American*

Salmon-Challis National Forest

Salmon-Challis Forest Supervisor decisions for the Salmon portion: *The Recorder-Herald*
Salmon-Challis Forest Supervisor decisions for the Challis portion: *The Challis Messenger*
District Ranger decisions for Lost River, Middle Fork and Challis-Yankee Fork: *The Challis Messenger*
District Ranger decisions for Leadore, North Fork and Salmon-Cobalt: *The Recorder-Herald*

Sawtooth National Forest

Sawtooth Forest Supervisor decisions: *The Times News*
District Ranger decisions for Fairfield and Minidoka: *The Times News*
Ketchum District Ranger decisions: *Idaho Mountain Express*
Sawtooth National Recreation Area: *The Challis Messenger*

Uinta-Wasatch-Cache National Forest

Forest Supervisor decisions for the Uinta portion, including the Vernon Unit: *Provo Daily Herald*
Forest Supervisor decisions for the Wasatch-Cache portion: *Salt Lake Tribune*
Forest Supervisor decisions for the entire Uinta-Wasatch-Cache: *Salt Lake Tribune*
District Ranger decisions for the Heber-Kamas, Pleasant Grove and Spanish Fork Ranger Districts: *Provo Daily Herald*
District Ranger decisions for Evanston and Mountain View: *Uinta County Herald*
District Ranger decisions for Salt Lake: *Salt Lake Tribune*
District Ranger decisions for Logan: *Logan Herald Journal*
District Ranger decisions for Ogden: *Standard Examiner*

Dated: July 13, 2016.

Mary Farnsworth,

Acting Deputy Regional Forester.

[FR Doc. 2016–18961 Filed 8–9–16; 8:45 am]

BILLING CODE 3410–11–P

DEPARTMENT OF COMMERCE

Bureau of the Census

National Advisory Committee

AGENCY: Bureau of the Census, Department of Commerce.

ACTION: Notice of public virtual meeting.

SUMMARY: The Bureau of the Census (Census Bureau) is giving notice of a virtual meeting of the National Advisory Committee (NAC). The Committee will address the 2017 Census Tribal Enrollment Reinterview Questions and the Integrated Partnership and Communications Working Group will make recommendations to the NAC. The NAC will meet virtually on Monday, August 22, 2016. Last minute changes to the schedule are possible, which could prevent giving advance public notice of schedule adjustments. Please visit the Census Advisory Committees Web site for the most current meeting agenda at: *http://www.census.gov/cac/.*

DATES: August 22, 2016. The virtual meeting will begin at approximately 1:00 p.m. ET and end at approximately 3:00 p.m. ET.

ADDRESSES: The meeting will be held via teleconference. To attend, participants should call the following phone number to access the audio portion of the meeting: (888) 946–8391. When prompted, please use the following password: 7631920. The meeting will be available via WebEx at the following URL link: *https://census.webex.com/census/j.php?MTID=m57428baace6aa969295c94ccb1763171.*

FOR FURTHER INFORMATION CONTACT: Tara Dunlop Jackson, Advisory Committee Branch Chief, Customer Liaison and Marketing Services Office, *tara.t.dunlop@census.gov,* Department of Commerce, U.S. Census Bureau, Room 8H177, 4600 Silver Hill Road, Washington, DC 20233, telephone 301–763–5222. For TTY callers, please use the Federal Relay Service 1–800–877–8339.

SUPPLEMENTARY INFORMATION: The NAC was established in March 2012 and operates in accordance with the Federal Advisory Committee Act (title 5, United States Code, Appendix 2, section 10). NAC members are appointed by the Director, U.S. Census Bureau, and consider topics such as hard to reach populations, race and ethnicity, language, aging populations, American Indian and Alaska Native tribal considerations, new immigrant populations, populations affected by natural disasters, highly mobile and migrant populations, complex households, rural populations, and population segments with limited access to technology. The Committee also advises on data privacy and confidentiality, among other issues.

All meetings are open to the public. A brief period will be set aside at the meeting for public comment on August 22. Individuals with extensive questions or statements must submit them in writing to: *census.national.advisory.committee@census.gov* (subject line "August 22 2016 NAC Virtual Meeting Public Comment"), or by letter submission to the Committee Liaison Officer, Department of Commerce, U.S. Census Bureau, Room 8H179, 4600 Silver Hill Road, Washington, DC 20233.

Dated: August 4, 2016.

John H. Thompson,

Director, Bureau of the Census.

[FR Doc. 2016–18956 Filed 8–9–16; 8:45 am]

BILLING CODE 3510–07–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Order No. 2010]

Expansion of Subzone 149C; Phillips 66 Company; Brazoria County, Texas

Pursuant to its authority under the Foreign-Trade Zones Act of June 18, 1934, as amended (19 U.S.C. 81a-81u), the Foreign-Trade Zones Board (the Board) adopts the following Order:

Whereas, the Foreign-Trade Zones Act provides for ". . . the establishment . . . of foreign-trade zones in ports of entry of the United States, to expedite and encourage foreign commerce, and for other purposes," and authorizes the Foreign-Trade Zones Board to grant to qualified corporations the privilege of establishing foreign-trade zones in or adjacent to U.S. Customs and Border Protection ports of entry;

Whereas, the Board's regulations (15 CFR part 400) provide for the establishment of subzones for specific uses;

Whereas, Port Freeport, grantee of Foreign-Trade Zone 149, has made application to the Board to expand Subzone 149C on behalf of Phillips 66 Company to include additional acreage at existing Site 5 in Brazoria County, Texas (FTZ Docket B–82–2015, docketed December 4, 2015);

Whereas, notice inviting public comment has been given in the **Federal Register** (80 FR 76443, December 9, 2015) and the application has been processed pursuant to the FTZ Act and the Board's regulations; and,

Whereas, the Board adopts the findings and recommendations of the examiner's memorandum, and finds that the requirements of the FTZ Act and the Board's regulations are satisfied;

Now, Therefore, the Board hereby approves the expansion of Subzone 149C on behalf of Philipps 66 Company, as described in the application and **Federal Register** notice, subject to the FTZ Act and the Board's regulations, including Section 400.13.

Signed at Washington, DC, August 2, 2016.

Ronald K. Lorentzen,

Acting Assistant Secretary of Commerce for Enforcement and Compliance, Alternate Chairman, Foreign-Trade Zones Board.

[FR Doc. 2016–18941 Filed 8–9–16; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[S–49–2016]

Approval of Subzone Status; Rooms to Go (PR), Inc.; Toa Baja, Puerto Rico

On April 20, 2016, the Executive Secretary of the Foreign-Trade Zones (FTZ) Board docketed an application submitted by the Puerto Rico Trade & Export Company, grantee of FTZ 61, requesting subzone status subject to the existing activation limit of FTZ 61, on behalf of Rooms to Go (PR), Inc., in Toa Baja, Puerto Rico.

The application was processed in accordance with the FTZ Act and Regulations, including notice in the **Federal Register** inviting public comment (81 FR 24563, April 26, 2016). The FTZ staff examiner reviewed the application and determined that it meets the criteria for approval.

Pursuant to the authority delegated to the FTZ Board's Executive Secretary (15 CFR Sec. 400.36(f)), the application to establish Subzone 61R is approved, subject to the FTZ Act and the Board's regulations, including Section 400.13, and further subject to FTZ 61's 1,821.07-acre activation limit.

Dated: August 3, 2016.

Andrew McGilvray,

Executive Secretary.

[FR Doc. 2016–18942 Filed 8–9–16; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[B–21–2016]

Foreign-Trade Zone (FTZ) 46G—Cincinnati, Ohio, Authorization of Production Activity, Givaudan Flavors Corporation, (Flavor Products), Cincinnati, Ohio

On April 1, 2016, Givaudan Flavors Corporation submitted a notification of proposed production activity to the Foreign-Trade Zones (FTZ) Board for its facility within FTZ 46—Subzone 46G in Cincinnati, Ohio.

The notification was processed in accordance with the regulations of the FTZ Board (15 CFR part 400), including notice in the **Federal Register** inviting public comment (81 FR 24563, April 26, 2016). The FTZ Board has determined that no further review of the activity is warranted at this time. The production activity described in the notification is authorized, subject to the FTZ Act and the Board's regulations, including section 400.14.

Dated: August 4, 2016.

Andrew McGilvray,

Executive Secretary.

[FR Doc. 2016–18919 Filed 8–9–16; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[B–51–2016]

Foreign-Trade Zone (FTZ) 126—Reno, Nevada, Notification of Proposed Production Activity, Tesla Motors, Inc., Subzone 126D; (Lithium-Ion Batteries, Electric Motors and Stationary Energy Storage Systems), Sparks, Nevada

The Economic Development Authority of Western Nevada, grantee of FTZ 126, submitted a notification of proposed production activity to the FTZ Board on behalf Tesla Motors, Inc. (Tesla), operator of Subzone 126D, for its facility located in Sparks, Nevada. The notification conforming to the requirements of the regulations of the FTZ Board (15 CFR 400.22) was received on July 20, 2016.

The facility is used for the production of lithium-ion batteries, electric motors and stationary energy storage systems. Pursuant to 15 CFR 400.14(b), FTZ activity would be limited to the specific foreign-status materials and components and specific finished products described in the submitted notification (as described below) and subsequently authorized by the FTZ Board.

Production under FTZ procedures could exempt Tesla from customs duty payments on the foreign-status materials and components used in export production. On its domestic sales, Tesla would be able to choose the duty rates during customs entry procedures that apply to lithium-ion batteries/cells/modules, electric motors, and stationary energy storage systems (duty rates—2.8% or 3.4%) for the foreign-status inputs noted below. Customs duties also could possibly be deferred or reduced on foreign-status production equipment.

The components and materials sourced from abroad include: Carbon black; silicon oxide; nickel cobalt aluminum cathode material; coolants; ethyl methyl carbonate; ethylene carbonate; n-methyl-2-pyrrolidone; preparations based on carbon black; lubricants for gears; automatic transmission fluid lubricants; grease; adhesives; epoxy hardeners; graphite; joint compound; battery electrolyte; carbon black solution (AB paste); sealants; methacrylate-butadiene-styrene (MBS) copolymers; polyvinylidene fluoride (PVDF); carboxymethylcellulose (CMC); electrical tape; polyethylene separators; polypropylene separators; plastic tubing/fittings for hoses/gap pads/bags/caps and closures/plugs/trays/baffle inserts/brackets/cable supports/cable ties/clips/fasteners/gaskets/heatshrink/mounts and fittings/o-rings/seals/pipes for stators/covers for converters; plastic self-adhesive sheets in rolls/tapes/films/labels/strips; butadiene-styrene-alkyl-methacrylate copolymer; styrene-butadiene rubber (SBR); rubber hoses/o-rings/seals/bumpers/grommets/isolator bushings; labels; nickel-plated steel sheets; steel pipes for rotors/pipe bends and elbow fittings/other pipe fittings/tubefittings/mesh/bolts/screws/locknuts/nuts/plugs/studs/washers/dowel pins/springs/caps/clamps/clips/retainer plates/rings; copper profiles for rotors/bars for rotors/shield plates/foil/ferrules; brass standoffs; nickel alloy plates; nickel copper tabs (copper ribbon); aluminum alloy bonding wire and sheets; aluminum foil/tube fittings/spacers/discs/clamps/plugs/cooling tubes/capacitors; tubular keys; metal hinges/brackets for motor vehicles/fittings for motor vehicles/brackets and mounts suitable for buildings/brackets/fittings/mounts/latches/spacers for rotors; braze rings; displacement pumps; electric oil pumps; centrifugal pumps; compressors; fans; parts of compressors; battery chillers; heat exchangers; radiator/condenser assemblies; parts of heat exchangers; parts of radiators; oil filters; housings for air filters; parts of air filters; parts of oil filters; air particle separators; pressure relief valves; check valves; breather valves; coolant manifolds; parts of breather valves; valve bodies; drive unit assemblies; bearing endbells; heat sinks for drive units; housings for motors; inverter gearcases; laminations for stators; motor gearcases; parts of bearing endbells; parts of encoders; parts of gearcases; parts of heat sinks to drive units; other parts of motors; rotor endcaps; rotor shafts; rotor stacks; rotors; stator stacks; stators; electrical transformers; drive inverters; power supplies; ferrite beads; power inductors; doors for thermal power supplies; housings for drive inverters; parts of drive inverters; parts of manifolds for inverters; parts of power supplies; printed circuit board assemblies for converters; printed circuit board assemblies for power supplies; magnets; finished lithium-ion batteries; finished lithium-ion batteries for electrically powered vehicles; battery exhaust ducts; connectors for batteries; enclosures for finished battery packs (and parts thereof); fittings for lithium-ion battery cells; fittings for lithium-ion battery modules; insulators for lithium-ion battery modules; layer and aramid heat resistance layers (separators); lithium-ion battery cells; lithium-ion battery modules; multilayer laminated film layered by polyolefin base; parts of heat sinks to lithium-ion batteries, parts of lithium-ion battery cells and modules; side rails for lithium-ion battery enclosures; steel enclosures for batteries (and parts thereof); terminal plates; top plates for lithium-ion battery cells; vents; capacitors; single layer ceramic dielectrics; multilayer ceramic dielectrics; fixed film resistors; fixed resistors; thermistors; flexible printed circuit board assemblies; fuses; grounding wires; electrical relays; electrical switches; connectors for printed circuit board assemblies; pin receptacles; wire harness connectors; busbars; electrical connectors; junction boxes; lug connectors; terminal lugs; terminals; controller boards; switchboards; housings for controllers; housings for junction boxes; housings for plastic connectors; metal contacts; molded parts for printed circuit board assemblies; parts of connectors; parts of fuses; plates for junction boxes; printed circuit board assemblies for controllers; printed circuit board assemblies; diodes; transient voltage suppression (TVS) diodes; transistors; LED lights; programmable integrated circuits; operational amplifiers; other integrated circuits; crystal oscillators; encoder wheels; wire harnesses; thermal barriers; ceramic insulators; plastic insulating fittings; cross shafts; gear box coolers; intermediate shafts; parts of gears; pinion gears; differential roll pins; differentials; housings for differentials; parts of differentials; parts of drive shafts; baffles for oil pans; sensors; and, thermal regulators (duty rate ranges from free to 8.5%).

Public comment is invited from interested parties. Submissions shall be addressed to the FTZ Board's Executive Secretary at the address below. The closing period for their receipt is September 19, 2016.

A copy of the notification will be available for public inspection at the Office of the Executive Secretary, Foreign-Trade Zones Board, Room 21013, U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230–0002, and in the "Reading Room" section of the FTZ Board's Web site, which is accessible via *www.trade.gov/ftz.*

For further information, contact Diane Finver at *Diane.Finver@trade.gov* or (202) 482–1367.

Dated: August 2, 2016.

Andrew McGilvray,

Executive Secretary.

[FR Doc. 2016–18917 Filed 8–9–16; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[C–489–806]

Pasta From Turkey: Preliminary Results of Countervailing Duty Administrative Review; 2014

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The Department of Commerce (the Department) preliminarily determines that countervailable subsidies are being provided to producers and exporters of certain pasta from Turkey. The period of review is January 1, 2014 through December 31, 2014. Interested parties are invited to comment on these preliminary results of review.

DATES: Effective August 10, 2016.

FOR FURTHER INFORMATION CONTACT: Jennifer Shore or Mark Kennedy, AD/CVD Operations, Office I, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue, Washington, DC 20230; telephone: (202) 482–2778 or (202) 482–7883, respectively.

Scope of the Order

The product covered by this administrative review is pasta from Turkey. For a full description of the scope of this order *see* the Preliminary Decision Memorandum.[1]

Methodology

The Department is conducting this countervailing duty (CVD) administrative review in accordance with section 701 of the Tariff Act of 1930, as amended (the Act). For each of the subsidy programs found countervailable, we preliminarily determine that there is a subsidy (*i.e.,* a financial contribution by an "authority" that gives rise to a benefit to the recipient) and that the subsidy is specific.[2] For a full description of the methodology underlying our preliminary conclusions, *see* the Preliminary Decision Memorandum.

A list of topics discussed in the Preliminary Decision Memorandum is included as Appendix I to this notice.

The Preliminary Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *http://access.trade.gov,* and is available to all parties in the Central Records Unit, Room B8024 of the main Department of Commerce building. In addition, a complete version of the Preliminary Decision Memorandum can be accessed directly at *http://enforcement.trade.gov/frn/.* The signed Preliminary Decision Memorandum and the electronic version of the Preliminary Decision Memorandum are identical in content.

Preliminary Results of Review

As a result of this review, we preliminarily determine a net countervailable subsidy rate of 2.21 percent *ad valorem* for Bessan Makarna Gida San. Ve Tic. A.Ş, for the period January 1, 2014, through December 31, 2014.

Disclosure and Public Comment

The Department intends to disclose to interested parties the calculations performed in connection with these preliminary results within five days of the date of publication of this notice.[3] Pursuant to 19 CFR 351.309(c), interested parties may submit case briefs no later than 30 days after the date of publication of these preliminary results of review. Parties who submit arguments are requested to submit with the argument: (1) A statement of the issue; (2) a brief summary of the argument; and (3) a table of authorities.[4] Rebuttals to case briefs may be filed no later than five days after the deadline for filing case briefs, and all rebuttal comments must be limited to comments raised in the case briefs.[5] Case and rebuttal briefs should be filed electronically using ACCESS.[6]

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[1] *See* Memorandum, "Decision Memorandum for Preliminary Results of Countervailing Duty 2014 Administrative Review of Pasta from Turkey," dated concurrently with, and hereby adopted by, this notice (Preliminary Decision Memorandum).

[2] *See* sections 771(5)(B) and (D) of the Act regarding financial contribution; section 771(5)(E) of the Act regarding benefit; and section 771(5A) of the Act regarding specificity.

[3] *See* 19 CFR 351.224(b).

[4] *See* 19 CFR 351.309(c)(2) and (d)(2).

[5] *See* 19 CFR 351.309(d).

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing must submit a written request to the Assistant Secretary for Enforcement and Compliance, U.S. Department of Commerce, filed electronically using ACCESS. An electronically-filed request must be received successfully, and in its entirety, by ACCESS by 5:00 p.m. Eastern Time, within 30 days after the date of publication of this notice. Requests should contain the party's name, address, and telephone number; the number of participants; and a list of the issues to be discussed. If a request for a hearing is made, the Department intends to hold the hearing at the U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230, at a date, time, and specific location to be determined. Parties will be notified of the date, time, and location of any hearing. Parties should confirm by telephone the date, time, and location of the hearing two days before the scheduled date.

Unless the deadline is extended pursuant to section 751(a)(3)(A) of the Act, the Department will issue the final results of this administrative review, including the results of its analysis of issues raised in any written briefs, not later than 120 days after the date of publication of this notice, pursuant to section 751(a)(3)(A) of the Act.

Assessment Rates

Upon issuance of the final results, the Department shall determine, and U.S. Customs and Border Protection (CBP) shall assess, countervailing duties on all appropriate entries covered by this review. We intend to issue instructions to CBP 15 days after publication of the final results of this review.

Cash Deposit Instructions

The Department also intends to instruct CBP to collect cash deposits of estimated countervailing duties in the amount shown above. For all non-reviewed firms, we will instruct CBP to collect cash deposits of estimated countervailing duties at the most recent company-specific or all-others rate applicable to the company. These cash deposit requirements, when imposed, shall remain in effect until further notice.

Notification to Interested Parties

This administrative review and notice are in accordance with sections 751(a)(1) and 777(i)(1) of the Act and 19 CFR 351.213.

Dated: August 3, 2016.

Ronald K. Lorentzen,

Acting Assistant Secretary for Enforcement and Compliance.

Appendix I—List of Topics Discussed in the Preliminary Decision Memorandum

I. Summary
II. Background
III. Scope of the Order
IV. Subsidy Valuation Information
V. Analysis of Programs
VI. Recommendation

[FR Doc. 2016–19017 Filed 8–9–16; 8:45 am]

BILLING CODE 3510–DS–P

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[6] *See* 19 CFR 351.303.

DEPARTMENT OF COMMERCE

International Trade Administration

[A–428–840]

Lightweight Thermal Paper From Germany: Notice of Court Decision Not in Harmony With Amended Final Results and Notice of Second Amended Final Results of Antidumping Duty Administrative Review; 2009–2010

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The Department of Commerce (the Department) is notifying the public that the Court of International Trade's (CIT or Court) final judgment in this case is not in harmony with the Department's amended final results and is therefore amending for a second time the final results of the second administrative review of the antidumping duty order on lightweight thermal paper from Germany with respect to the rate assigned to Papierfabrik August Koeher AG (Koehler).

DATES: *Effective:* July 16, 2016.

FOR FURTHER INFORMATION CONTACT: James Terpstra, AD/CVD Operations, Office III, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–3965.

SUPPLEMENTARY INFORMATION:

Background

On April 9, 2012, the Department published the final results of the second administrative review of the antidumping duty order on lightweight thermal paper from Germany, covering the period November 1, 2009, through October 31, 2010.[1] On May 16, 2012, the Department amended the *AR2 Final Results* to correct a ministerial error.[2] As a result, the Department assigned Koehler a weighted-average dumping margin of 4.33 percent.[3] Subsequently, Koehler and Appvion, Inc.[4] challenged the *AR2 Amended Final Results* in the CIT.[5] While that litigation was pending, the Department published the final results of the third review of the *Order* in which it found that Koehler had engaged in a transshipment scheme, which began in the prior, second review period, and withheld requested information.[6] As a result, in the *AR3 Final Results* the Department found that Koehler had failed to cooperate to the best of its ability in complying with the Department's requests for information and assigned Koehler a total adverse facts available (AFA) rate of 75.36 percent.[7] In light of the *AR3 Final Results*, in the litigation concerning the *AR2 Amended Final Results*, the Department sought a voluntary remand to reconsider the *AR2 Amended Final Results*, which the Court granted.

On June 16, 2014, the Department issued its final results of redetermination pursuant to remand.[8] The Department determined that, based on the transshipment scheme which began in the second review period and had been uncovered in the third review, Koehler had failed to cooperate to the best of its ability in complying with the Department's requests for information in the second review.[9] As a result, the Department assigned Koehler an AFA rate of 75.36 percent, and corroborated the rate using Koehler's transaction-specific margins from the second review.[10]

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[1] *See Lightweight Thermal Paper From Germany: Notice of Final Results of the 2009–2010 Antidumping Duty Administrative Review*, 77 FR 21082 (April 9, 2012) (*AR2 Final Results*); *see also Antidumping Duty Orders: Lightweight Thermal Paper from Germany and the People's Republic of China*, 73 FR 70959 (November 24, 2008) (*Order*).

[2] *See Lightweight Thermal Paper From Germany: Notice of Amended Final Results of the 2009–2010 Antidumping Duty Administrative Review*, 77 FR 28851 (May 16, 2012) (*AR2 Amended Final Results*).

[3] *See id.*, 77 FR at 28851.

[4] Formerly known as Appleton Papers Inc.

[5] *See* Consol. Court No. 12–00091.

[6] *See Lightweight Thermal Paper from Germany: Final Results of Antidumping Duty Administrative Review; 2010–2011*, 78 FR 23220 (April 18, 2013) (*AR3 Final Results*). The CIT affirmed the *AR3 Final Results* in their entirety. *See Papierfabrik August Koehler SE* v. *United States*, 7 F. Supp. 3d 1304 (Ct. Int'l Trade 2014). Koehler's appeal of that decision before the Court of Appeals for the Federal Circuit (Federal Circuit) is pending. *See* Court No. 15–1489.

[7] *See AR3 Final Results*, 78 FR at 23221.

[8] *See* Final Remand Redetermination Pursuant to Court Remand, Lightweight Thermal Paper from Germany, *Papierfabrik August Koehler AG* v. *United States*, Consol. Court No. 12–00091 (June 16, 2014) (AR2 Final Remand).

[9] *Id.*

[10] *Id.*

On July 6, 2016, the Court affirmed the AR2 Final Remand, finding that the Department had properly reconsidered the *AR2 Amended Final Results* and applied total AFA in light of the nature of Koehler's conduct.[11] In addition, although the Court found that the rate of 75.36 percent was not properly corroborated by the highest transaction-specific margin on the record of the second review, it found that, under the circumstances, the Department was within its discretion in relying on the 75.36 percent rate, the highest rate in any previous segment of the proceeding.[12] Thus, the Court affirmed the AFA rate of 75.36 percent as applied to Koehler.[13]

Timken Notice

Consistent with its decision in *Timken,*[14] as clarified by *Diamond Sawblades*[15] the Federal Circuit held that, pursuant to section 516A(e) of the Tariff Act of 1930, as amended (the Act), the Department must publish a notice of a court decision that is not "in harmony" with a Department determination and must suspend liquidation of entries pending a "conclusive" court decision. On July 6, 2016, the CIT sustained the Department's final results of redetermination pursuant to remand in *Koehler.*[16] The CIT's judgment in *Koehler* sustaining the AR2 Final Remand constitutes a final decision of that court that is not in harmony with the *AR2 Amended Final Results.* This notice is published in fulfillment of the publication requirements of *Timken.* Accordingly, the Department will continue the suspension of liquidation of the subject merchandise pending the expiration of the period of appeal, or if appealed, pending a final and conclusive court decision.

Second Amended Final Results

Because there is now a final court decision, we are amending the *AR2 Amended Final Results* with respect to the rate assigned to Koehler as follows:

Company	AR2 amended final results dumping margin	Second amended final results dumping margin
Papierfabrik August Koehler AG	4.33 percent	75.36

In the event the CIT's July 6, 2016, decision in *Koehler* is not appealed, or is upheld by a final and conclusive court decision, the Department will instruct U.S. Customs and Border Protection to assess antidumping duties on unliquidated entries of subject merchandise based on the revised rate listed above.

Cash Deposit Requirements

As a result of the determination by the International Trade Commission that revocation of the *Order* would not be likely to lead to continuation or recurrence of material injury to an industry in the United States, pursuant to section 751(d)(2) of the Act, the Department revoked the *Order*, effective November 24, 2013, and stopped collecting cash deposits under the *Order.*[17] Therefore, the cash deposit requirement for Koehler will not be changed as a result of these amended final results.

Notification to Interested Parties

This notice is issued and published in accordance with sections 516A(e)(1), 751(a)(1), and 777(i)(1) of the Act.

Dated: August 3, 2016.

Ronald K. Lorentzen,

Acting Assistant Secretary for Enforcement and Compliance.

[FR Doc. 2016–19008 Filed 8–9–16; 8:45 am]

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[11] *See Papierfabrik August Koehler AG* v. *United States,* Consol. Court No. 12–00091, Slip Op. 16–67 (July 6, 2016) (*Koehler*) at 13–24.

[12] *Id.*, at 33 ("The court declines to construe the corroboration requirement so as to eliminate the discretion Commerce must possess to confront the serious misconduct it encountered in this case, in which Koehler undermined the integrity of the proceeding Commerce conducted and prevented Commerce from fulfilling its statutory responsibility.").

[13] *Id.*, at 34.

[14] *See Timken Co.* v. *United States,* 893 F.2d 337 (Fed. Cir. 1990) (*Timken*).

[15] *See Diamond Sawblades Mfrs. Coalition* v. *United States,* 626 F.3d 1374 (Fed. Cir. 2010) (*Diamond Sawblades*).

[16] *See Koehler* at 13–24, and 34.

[17] *See Lightweight Thermal Paper From the People's Republic of China and Germany: Continuation of the Antidumping and Countervailing Duty Orders on the People's Republic of China, Revocation of the Antidumping Duty Order on Germany,* 80 FR 5083, 5084 (January 30, 2015).

DEPARTMENT OF COMMERCE

National Institute of Standards and Technology

[Docket Number: 160725650–6650–01]

Information on Current and Future States of Cybersecurity in the Digital Economy

AGENCY: National Institute of Standards and Technology, U.S. Department of Commerce.

ACTION: Notice; Request for Information (RFI).

SUMMARY: The Commission on Enhancing National Cybersecurity requests information about current and future states of cybersecurity in the digital economy. As directed by Executive Order 13718, "Commission on Enhancing National Cybersecurity" (the "Executive Order"), the Commission will make detailed recommendations to strengthen cybersecurity in both the public and private sectors while protecting privacy, ensuring public safety and economic and national security, fostering discovery and development of new technical solutions, and bolstering partnerships between Federal, State and local government and the private sector in the development, promotion, and use of cybersecurity technologies, policies, and best practices. The Secretary of Commerce was tasked by the Exective Order to direct the Director of the National Institute of Standards and Technology (NIST) to provide the Commission with such expertise, services, funds, facilities, staff, equipment, and other support services as may be necessary to carry out its mission.

Responses to this RFI—which will be posted at *http://www.nist.gov/cybercommission*—will inform the Commission as it develops its detailed recommendations.

DATES: Comments must be received by 5:00 p.m. Eastern time on September 9, 2016.

ADDRESSES: Written comments may be submitted by mail to Nakia Grayson, National Institute of Standards and

Technology, 100 Bureau Drive, Stop 2000, Gaithersburg, MD 20899. Online submissions in electronic form may be sent to *cybercommission@nist.gov* in any of the following formats: HTML; ASCII; Word; RTF; or PDF. Please submit comments only and include your name, organization's name (if any), and cite "Input to the Commission on Enhancing National Cybersecurity" in all correspondence. Comments containing references, studies, research, and other empirical data that are not widely published should include copies of the referenced materials.

All comments received in response to this RFI will be posted at *http://www.nist.gov/cybercommission* without change or redaction, so commenters should not include information they do not wish to be posted (*e.g.,* personal or confidential business information).

FOR FURTHER INFORMATION CONTACT: For questions about this RFI contact: Kevin Stine, National Institute of Standards and Technology, 100 Bureau Drive, Gaithersburg, MD 20899, telephone (301) 975–4483, or *cybercommission@nist.gov.* Please direct media inquiries to NIST's Office of Public Affairs at (301) 975–2762.

SUPPLEMENTARY INFORMATION: The digital economy has been a driver of innovation and productivity for several decades. The Internet is used every day by individuals, businesses, and government to make purchases, store sensitive data, and provide critical information services. These services and infrastructure have come under attack in recent years in the form of identity and intellectual property theft, deliberate and unintentional service disruption, and stolen data. Steps must be taken to enhance existing efforts to increase the protection and resilience of the digital ecosystem, while maintaining a cyber environment that encourages efficiency, innovation, and economic prosperity.

In order to enhance cybersecurity awareness and protections at all levels of Government, business, and society, to protect privacy, to ensure public safety and economic and national security, and to empower Americans to take better control of their digital security, the President issued Executive Order 13718,[1] Commission on Enhancing National Cybersecurity, in February 2016.

The Commission will make detailed recommendations to strengthen cybersecurity in both the public and private sectors, while protecting privacy, ensuring public safety and economic and national security, fostering discovery and development of new technical solutions, and bolstering partnerships between Federal, State, and local government and the private sector in the development, promotion, and use of cybersecurity technologies, policies, and best practices. According to the Executive Order, the Commission's recommendations should address actions that can be taken over the next decade to accomplish these goals.

The Secretary of Commerce was tasked by the Executive Order to direct the Director of NIST to provide the Commission with such expertise, services, funds, facilities, staff, equipment, and other support services as may be necessary to carry out its mission.

To accomplish its mission, the Commission shall, among other approaches, reference and, as appropriate, build on successful existing cybersecurity policies, public-private partnerships, and other initiatives; consult with cybersecurity, national security and law enforcement, privacy, management, technology, and digital economy experts in the public and private sectors; and seek input from those who have experienced significant cybersecurity incidents to understand lessons learned from these experiences, including identifying any barriers to awareness, risk management, and investment. The Commission seeks broad input from individuals and organizations of all sizes and their representatives from sector and professional associations. The Commission also invites submissions from Federal agencies, state, local, territorial and tribal governments, standard-setting organizations, other members of industry, consumers, solution providers, and other stakeholders.

Request for Information

The following questions cover the major areas about which the Commission seeks comment. They are not intended to limit the topics that may be addressed. Responses may include information related to or recommendations for other areas the Commission should consider.

Comments containing references, studies, research, and other empirical data that are not widely published should include copies of the referenced materials. Do not include in comments or otherwise submit proprietary or confidential information, as all comments received in response to this RFI will be made available publically at *http://www.nist.gov/cybercommission.*

The Commission requests that each comment contain an Executive Summary, that is no more than one page in length, which identifies the topic addressed, the challenges, and the proposed solution, recommendation, and/or finding.

Based on the Executive Order and the Commission's initial deliberations, the Commission is seeking information on the following topics:

- Critical Infrastructure Cybersecurity
- Cybersecurity Insurance
- Cybersecurity Research and Development
- Cybersecurity Workforce
- Federal Governance
- Identity and Access Management
- International Markets
- Internet of Things
- Public Awareness and Education
- State and Local Government Cybersecurity

For each topic area, the Commission solicits information on current and future challenges, promising and innovative approaches to address those challenges, recommendations, and references to inform the work of the Commission. The Commission is specifically seeking input on the topic areas below:

Topic Area Challenges and Approaches

1. Current and future trends and challenges in the selected topic area;
2. Progress being made to address the challenges;
3. The most promising approaches to addressing the challenges;
4. What can or should be done now or within the next 1–2 years to better address the challenges;
5. What should be done over the next decade to better address the challenges; and
6. Future challenges that may arise and recommended actions that individuals, organizations, and governments can take to best position themselves today to meet those challenges.

The Commission also seeks input on the following:

1. Emerging technology trends and innovations; the effect these technology trends and innovations will have on the digital economy; and the effect these technology trends and innovations will have on cybersecurity.
2. Economic and other incentives for enhancing cybersecurity.
3. Government-private sector coordination and cooperation on cybersecurity.
4. The role(s) of the government in enhancing cybersecurity for the private sector.

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[1] Exec. Order No. 13718, Commission on Enhancing National Cybersecurity, 81 FR 7441 (February 9, 2016).

5. Performance measures for national-level cybersecurity policies; and related near-term and long-term goals.

6. Complexity of cybersecurity terminology and potential approaches to resolve, including common lexicons.

Kevin Kimball,

NIST Chief of Staff.

[FR Doc. 2016–18948 Filed 8–9–16; 8:45 am]

BILLING CODE 3510–13–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XE759

Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Snapper-Grouper Fishery of the South Atlantic; Exempted Fishing Permit

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of receipt of an application for an exempted fishing permit; request for comments.

SUMMARY: NMFS announces the receipt of an application for an exempted fishing permit (EFP) from Dr. David Die and Chiara Pacini at the University of Miami, Rosenstiel School of Marine and Atmospheric Science. If granted, the EFP would authorize the collection of a maximum of 400 juvenile snowy grouper incidentally caught in commercial spiny lobster traps in Federal waters off the Florida Keys in the South Atlantic during the 2016–2017 and 2017–2018 commercial lobster fishing seasons. The purpose of the EFP would be to estimate and validate age and growth rates for juvenile snowy grouper in the South Atlantic.

DATES: Comments must be received no later than September 9, 2016.

ADDRESSES: You may submit comments on the application by either of the following methods:

- *Email: mary.vara@noaa.gov.* Include in the subject line of the email comment the following document identifier: "University of Miami Snowy Grouper EFP".
- *Mail:* Mary Vara, Southeast Regional Office, NMFS, 263 13th Avenue South, St. Petersburg, FL 33701.

The application and related documents are available for review upon written request to any of the above addresses.

FOR FURTHER INFORMATION CONTACT: Mary Vara, 727–824–5305; email *mary.vara@noaa.gov.*

SUPPLEMENTARY INFORMATION: The EFP is requested under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C 1801 *et seq.*), and regulations at 50 CFR 600.745(b) concerning exempted fishing.

The EFP request involves activities covered by regulations implementing the Fishery Management Plans (FMP) for federally managed fisheries of the South Atlantic Region. The proposed collection for scientific research involves activities that would otherwise be prohibited by regulations at 50 CFR part 622, as they pertain to South Atlantic snapper-grouper managed by the South Atlantic Fishery Management Council (Council). The EFP would exempt this research activity from Federal regulations at § 622.170(a)(1) (Permits and endorsements) and other requirements applicable to snapper-grouper permit holders; § 622.183(b)(8) (Seasonal closures); § 622.187(b)(2)(ii) (Bag and possession limits); and § 622.188(a), (b), and (c) (Required gear, authorized gear, and unauthorized gear); § 622.193(b)(2) (Annual catch limits, annual catch targets, and accountability measures). The purpose of this study is to estimate and validate age and growth rates of juvenile snowy grouper to better understand its early life history.

The applicant requests authorization to collect juvenile snowy grouper incidentally caught using standard commercial spiny lobster traps in Federal waters off the Florida Keys in the South Atlantic, bounded by Bahia Honda to the south and Upper Matecumbe Key to the north.

As described in the application, snowy grouper sampling would occur during approximately 15 spiny lobster trips completed during the 2016–2017 and 2017–2018 commercial spiny lobster fishing seasons. These seasons are from August 6, 2016, through March 31, 2017, and August 6, 2017, through March 31, 2018. Approximately 200 spiny lobster traps would be deployed or retrieved during each commercial spiny lobster trip. A maximum of 200 incidentally caught snowy grouper would be collected each year of the 2-season project duration, for a maximum quantity of 400 snowy grouper. The project would end when either 400 snowy grouper are collected over the 2 spiny lobster seasons or by March 31, 2018, whichever occurs first.

Gear used for collecting the snowy grouper would be legal commercial spiny lobster traps constructed of wire with wooden tops that are anchored down with concrete slabs to prevent them from moving during storm winds and heavy currents. The traps are standard spiny lobster traps with dimensions of 35.0 inches (88.9 cm) long, 23.6 inches (59.9 cm) wide, and 23.6 inches (59.9 cm) high. The spiny lobster traps being deployed would be a mix of single traps and trawls (traps tethered together). Each trawl would have approximately 15–25 traps connected together with approximately 50–75 yd (46–69 m) of rope between each trap with buoys on each end. Each trap or trawl would also have a vertical line and a buoy attached, along with the vessel identification and permit number etched into the buoy. Single traps would be set in sand in shallow waters less than 75 ft (23 m), and trawls would be set in sand in deeper waters between 100–300 ft (30–91 m). The exact depth and location of the traps or trawls would be recorded after each deployment. Traps would be baited with raw cowhide and dead fish, and would be re-baited and checked approximately every 2 weeks, depending on weather.

The trap soak time would be approximately 2 weeks. All traps would be retrieved during daylight hours. On retrieval, traps would be hauled slowly to the surface to minimize the risk of barotrauma. Each trap would then be checked for the presence of snowy grouper. If there are snowy grouper present, the trap number, location, depth, length, and date would be documented. Snowy grouper that are longer than 209 mm total length would be released because this study would focus on juvenile snowy grouper. Any other fish collected in the spiny lobster traps would be returned to the water. Before release, fish showing evidence of barotrauma, including snowy grouper longer than 209 mm total length and any other finfish bycatch, would be vented before release. Release cages (or descending devices) would be utilized to aid in fish descent. Lawfully harvested spiny lobster would be retained by the permitted vessel.

A maximum of 20 of the 200 snowy grouper collected each year of the project would be kept alive in an aerated tank and taken to the University of Miami for further study (for a maximum of 30 days) to validate daily growth rings on otoliths (fish ear bones). The remaining snowy grouper will not be kept alive on the boat, but will be taken to the lab where their otoliths would be removed to estimate age and growth rates. Gut contents from all snowy grouper that are not kept alive for further study would be removed for future analysis. In addition, any bycatch from the spiny lobster traps would be documented before being returned to the water. In this study, bycatch would be any animals other than lawfully harvested spiny lobster and snowy grouper longer than 209 mm total length.

The vessel to be used for the project would be a commercial spiny lobster fishing vessel with valid licenses and permits to commercially harvest spiny lobster in the Federal waters off Florida. The EFP would not exempt the applicant from the relevant state of Florida regulations for spiny lobster harvest or from the Federal spiny lobster regulations specified at 50 CFR Subpart R. At least one of the applicants would be present during each of the sampling trips. If the EFP is approved, all collections of juvenile snowy grouper would be conducted during the 2016–2017 and 2017–2018 commercial spiny lobster seasons. All snowy grouper would be collected as part of the vessel's normal commercial spiny lobster fishing trips.

NMFS finds this application warrants further consideration. Based on a preliminary review, NMFS intends to issue an EFP. Possible conditions the agency may impose on this permit, if it is indeed granted, include but are not limited to, a prohibition of conducting research within marine protected areas, marine sanctuaries, special management zones, or artificial reefs without additional authorization. Additionally, NMFS may require special protections for Endangered Species Act listed species and their critical habitat. A final decision on issuance of the EFP will depend on NMFS' review of public comments received on the application, consultations with the appropriate fishery management agency of the affected state, the Council, and the U.S. Coast Guard, and a determination that it is consistent with all applicable laws.

Authority: 16 U.S.C 1801 *et seq.*

Dated: August 5, 2016.

Emily H. Menashes,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 2016–18999 Filed 8–9–16; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XE485

Notice of Availability of a Draft Programmatic Environmental Assessment for Fisheries and Ecosystem Research Conducted and Funded by the National Marine Fisheries Service, Alaska Fisheries Science Center

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of availability of a Draft Programmatic Environmental Assessment; request for comments.

SUMMARY: NMFS announces the availability of the "Draft Programmatic Environmental Assessment (DPEA) for Fisheries and Ecosystem Research Conducted and Funded by the Alaska Fisheries Science Center (AFSC)." Publication of this notice begins the official public comment period for this DPEA. The purpose of the DPEA is to evaluate, in compliance with the National Environmental Policy Act (NEPA), the potential direct, indirect, and cumulative impacts of conducting and funding fisheries and ecosystem research in the North Pacific Ocean and the marine waters off of Alaska.

DATES: Comments must be received by no later than September 9, 2016.

ADDRESSES: Comments on the DPEA should be addressed to: DPEA Comments, c/o AFSC Director's Office, 7600 Sand Point Way NE., Building 4, Seattle, WA 98115. Comments via email may be sent to *NMFS.AFSC.DPEA@noaa.gov.* NMFS is not responsible for email comments sent to addresses other than the one provided here. Comments sent via email, including all attachments, must not exceed a 10-megabyte file size. A copy of the DPEA may be obtained by writing to the address specified above, telephoning the contact listed below (see **FOR FURTHER INFORMATION CONTACT**), or visiting the internet at: *http://www.afsc.noaa.gov/dpea.html.*

Documents cited in this notice may also be viewed, by appointment, during regular business hours, at the aforementioned address.

FOR FURTHER INFORMATION CONTACT: Dr. Daniel H. Ito, (206) 526–4232.

SUPPLEMENTARY INFORMATION: The Alaska Fisheries Science Center (AFSC) is the research arm of National Marine Fisheries Service (NMFS) in the Alaska region of the U.S. The AFSC conducts research and provides scientific advice to manage fisheries and conserve living marine resources in the North Pacific and marine waters off of Alaska. The AFSC provides scientific data and technical advice to a variety of management organizations and stakeholder groups, including the NMFS Alaska Regional Office, North Pacific Fishery Management Council (NPFMC), State of Alaska, Alaska coastal subsistence communities, and U.S. representatives participating in international fishery and marine mammal negotiations, as well as the fishing industry, environmental non-governmental organizations and other constituents.

NMFS has prepared the DPEA under NEPA to evaluate several alternatives for conducting and funding fisheries and ecosystem research activities as the primary Federal action. Additionally in the DPEA, NMFS evaluates a related action—also called a "connected action" under 40 CFR 1508.25 of the Council on Environmental Quality's regulations for implementing the procedural provisions of NEPA (42 U.S.C. 4321 *et seq.*)—which is the proposed promulgation of regulations and authorization of the take of marine mammals incidental to fisheries research under the Marine Mammal Protection Act (MMPA). Additionally, because the proposed research activities occur in areas inhabited by species of marine mammals, birds, and fish listed under the Endangered Species Act (ESA) as threatened or endangered, this DPEA evaluates activities that could result in unintentional takes of ESA-listed marine species.

The following four alternatives are currently evaluated in the DPEA:

(1) No-Action/Status Quo Alternative—Conduct Federal Fisheries and Ecosystem Research with Scope and Protocols Similar to Past Efforts
(2) Preferred Alternative—Conduct Federal Fisheries and Ecosystem Research (New Suite of Research) with Mitigation for MMPA and ESA Compliance
(3) Modified Research Alternative—Conduct Federal Fisheries and Ecosystem Research (New Suite of Research) with Additional Mitigation
(4) No Research Alternative—No Fieldwork for Federal Fisheries and Ecosystem Research Conducted or Funded by AFSC

The first three alternatives include a program of fisheries and ecosystem research projects conducted or funded by the AFSC as the primary Federal action. Because this primary action is connected to a secondary Federal action (also called a connected action under NEPA), to consider authorizing incidental take of marine mammals under the MMPA, NMFS must identify as part of this evaluation "(t)he means of effecting the least practicable adverse impact on the species or stock and its habitat." (Section 101(a)(5)(A) of the MMPA [16 U.S.C. 1361 *et seq.*]). NMFS must therefore identify and evaluate a reasonable range of mitigation measures to minimize impacts to protected species that occur in AFSC research areas. These mitigation measures are considered as part of the identified alternatives in order to evaluate their effectiveness to minimize potential adverse environmental impacts. The three action alternatives also include mitigation measures intended to minimize potentially adverse interactions with other protected species that occur within the action area. Protected species include all marine mammals, which are covered under the MMPA, all species listed under the ESA, and bird species protected under the Migratory Bird Treaty Act.

NMFS is also evaluating a second type of no-action alternative that considers no Federal funding for field fisheries and ecosystem research activities. This is called the No Research Alternative to distinguish it from the No-Action/Status Quo Alternative. The No-Action/Status Quo Alternative will be used as the baseline to compare all of the other alternatives.

Potential direct and indirect effects on the environment are evaluated under each alternative in the DPEA. The environmental effects on the following resources are considered: Physical environment, special resource areas, fish, marine mammals, birds, invertebrates, and the social and economic environment. Cumulative effects of external actions and the contribution of fisheries and ecosystem research activities to the overall cumulative impact on the aforementioned resources is also evaluated in the DPEA for the three main geographic regions in which AFSC surveys are conducted.

NMFS requests comments on the DPEA for Fisheries and Ecosystem Research Conducted and Funded by the National Marine Fisheries Service, Alaska Fisheries Science Center. Through this notice, NMFS is notifying the public that a DPEA is available for review so that interested or affected people may participate and contribute to the final decision. NMFS is seeking written public comments on the scope of issues, potential impacts, and alternatives considered in the DPEA. Written comments will be accepted at the address above (see **ADDRESSES**). Written comments should be as specific as possible to be the most helpful. Written comments received, including the names and addresses of those submitting them, will be considered part of the public record for this proposed action and will be available for public inspection. Please include, with your comments, any supporting data or literature citations that may be informative in substantiating your comment.

Dated: August 1, 2016.

Douglas P. DeMaster,

Director, Alaska Fisheries Science Center, National Marine Fisheries Service.

[FR Doc. 2016–19002 Filed 8–9–16; 8:45 am]

BILLING CODE 3510–22–P

BUREAU OF CONSUMER FINANCIAL PROTECTION

Notice of Availability of Revised Methodology for Determining Average Prime Offer Rates

AGENCY: Bureau of Consumer Financial Protection.

ACTION: Notice of availability.

SUMMARY: The Bureau of Consumer Financial Protection (Bureau) announces the availability of a revised methodology statement, entitled the "Methodology for Determining Average Prime Offer Rates." The methodology statement describes the data and the methodology used to calculate average prime offer rates for purposes of Regulation C and Regulation Z. The statement has been revised to reflect the fact that the Bureau is using a different source of survey data for the one-year variable rate mortgage product to calculate average prime offer rates.

ADDRESSES: The revised methodology statement is available on the Web site of the Federal Financial Institutions Examination Council (FFIEC) at *https://www.ffiec.gov/ratespread/newcalchelp.aspx#4.*

FOR FURTHER INFORMATION CONTACT: Terry J. Randall, Counsel, Office of Regulations, at 202–435–7700.

SUPPLEMENTARY INFORMATION: The average prime offer rates (APORs) are annual percentage rates derived from average interest rates, points, and other loan pricing terms offered to borrowers by a representative sample of lenders for mortgage loans that have low-risk pricing characteristics. APORs have implications for data reporters under Regulation C and creditors under Regulation Z. Regulation C requires covered financial institutions to report, for certain transactions, the difference between a loan's annual percentage rate (APR) and the APOR for a comparable transaction.[1] Under Regulation Z, a creditor may be subject to certain special provisions if the difference between a loan's APR and the APOR for a comparable transaction exceeds certain thresholds.[2]

The Bureau calculates APORs on a weekly basis according to a methodology statement that is available to the public. The Bureau has revised the methodology statement to reflect a change in the source of survey data for the one-year variable rate mortgage product that it began using to calculate the weekly APORs on July 7, 2016. The Freddie Mac Primary Mortgage Market Survey® (PMMS) previously provided survey data for that mortgage product that, together with data for other products from the same survey, has been used to calculate the weekly APORs. Freddie Mac has discontinued publishing the one-year variable rate mortgage data. Beginning on July 7, 2016, the Bureau started using data provided by HSH Associates for the one-year variable rate mortgage product to calculate the weekly APORs, while continuing to derive the other data used by the methodology from the PMMS. The Bureau has revised the methodology statement in light of that change. No other substantive changes have been made to the methodology statement.

Dated: August 2, 2016.

Richard Cordray,

Director, Bureau of Consumer Financial Protection.

[FR Doc. 2016–18899 Filed 8–9–16; 8:45 am]

BILLING CODE 4810–AM–P

DEPARTMENT OF DEFENSE

Department of the Army

[Docket ID: USA–2016–HQ–0028]

Privacy Act of 1974; System of Records

AGENCY: Department of the Army, DoD.

ACTION: Notice to alter a system of records.

SUMMARY: The Department of the Army proposes to alter a system of records notice A0690–600 SAMR, entitled "Equal Opportunity and Equal Employment Opportunity Complaint

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[1] 12 CFR 1003.4(a)(12)(i).

[2] 12 CFR 1026.35(a) and 1026.32(a)(1)(i).

Files.'' This system is used to ensure complaints are properly investigated and appropriate remedial action initiated to correct inequities. It is also used to collect, record, and maintain racial, ethnic group, and gender data; and complaints statistical data.

DATES: Comments will be accepted on or before September 9, 2016. This proposed action will be effective on the date following the end of the comment period unless comments are received which result in a contrary determination.

ADDRESSES: You may submit comments, identified by docket number and title, by any of the following methods:

* *Federal Rulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.

* *Mail:* Department of Defense, Office of the Deputy Chief Management Officer, Directorate for Oversight and Compliance, 4800 Mark Center Drive, Mailbox #24, Alexandria, VA 22350–1700.

Instructions: All submissions received must include the agency name and docket number for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the Internet at *http://www.regulations.gov* as they are received without change, including any personal identifiers or contact information.

FOR FURTHER INFORMATION CONTACT: Ms. Tracy Rogers, Chief, FOIA and Privacy, Department of the Army, U.S. Army Records Management and Declassification Agency, 7701 Telegraph Road, Casey Building, Suite 144, Alexandria, VA 22325–3905; telephone (703) 428–7499.

SUPPLEMENTARY INFORMATION: The Department of the Army's notices for systems of records subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended, have been published in the **Federal Register** and are available from the address in the **FOR FURTHER INFORMATION CONTACT** or from the Defense Privacy, Civil Liberties and Transparency Division Web site at *http://dpcld.defense.gov.*

The proposed systems reports, as required by 5 U.S.C. 552a(r) of the Privacy Act, as amended, were submitted on July 7, 2016, to the House Committee on Oversight and Government Reform, the Senate Committee on Homeland Security and Governmental Affairs, and the Office of Management and Budget (OMB) pursuant to paragraph 4 of Appendix I to OMB Circular No. A–130, ''Federal Agency Responsibilities for Maintaining Records About Individuals,'' revised November 28, 2000 (December 12, 2000 65 FR 77677).

Dated: July 25, 2016.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

A0690–600 SAMR

SYSTEM NAME:

Equal Opportunity and Equal Employment Opportunity Complaint Files (February 22, 1993, 58 FR 10002).

CHANGES:

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SYSTEM IDENTIFIER:

Delete entry and replace with ''A0600–20 SAMR.''

SYSTEM NAME:

Delete entry and replace with ''Soldiers Equal Opportunity Investigative Files.''

SYSTEM LOCATION:

Delete entry and replace with ''Primary location: Office of the Secretary of the Army Manpower and Reserve Affairs (SAMR), 103 Army Pentagon, Washington, DC 20310–0103.

Segments of the system are maintained at Army installations. Official mailing addresses are published as an appendix to the Army's compilation of systems of records notices.''

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Delete entry and replace with ''Former and current U.S. Army military service members (active duty, reservist, or National Guard) who submit an Equal Opportunity compliant.''

CATEGORIES OF RECORDS IN THE SYSTEM:

Delete entry and replace with ''Name, unit, race/ethnic group, gender, phone numbers, rank, grade, individual's complaint and supporting documentation, names of parties involved and witness statements, investigatory reports, decisional documents, and correspondence and any additional evidence gathered during the course of the investigation.''

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Delete entry and replace with ''10 U.S.C. 3013, Department of the Army; DoD Directive 1350.2, Department of Defense Military Equal Opportunity (MEO) Program; DoD Instruction 1300.17, Accommodation of Religious Practices Within the Military Services; DoD Instruction 1325.06, Handling Dissident and Protest Activities Among Members of the Armed Forces; and Army Regulation 600–20, Army Command Policy.''

PURPOSE(S):

Delete entry and replace with ''To ensure complaints are properly investigated and appropriate remedial action initiated to correct inequities. Demographic (*e.g.* race, ethnic group, gender) and de-identified complaints data is aggregated for statistical reporting.''

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Delete entry and replace with ''In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act of 1974, as amended, the records contained herein may specifically be disclosed outside the DoD as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

Law Enforcement Routine Use: If a system of records maintained by a DoD Component to carry out its functions indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the agency concerned, whether federal, state, local, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation, or order issued pursuant thereto.

Congressional Inquiries Disclosure Routine Use: Disclosure from a system of records maintained by a DoD Component may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Disclosure to the Department of Justice for Litigation Routine Use: A record from a system of records maintained by a DoD Component may be disclosed as a routine use to any component of the Department of Justice for the purpose of representing the Department of Defense, or any officer, employee or member of the Department in pending or potential litigation to which the record is pertinent.

Disclosure of Information to the National Archives and Records Administration Routine Use: A record from a system of records maintained by a DoD Component may be disclosed as a routine use to the National Archives and Records Administration for the purpose of records management inspections conducted under authority of 44 U.S.C. 2904 and 2906.

Data Breach Remediation Purposes Routine Use: A record from a system of records maintained by a Component may be disclosed to appropriate agencies, entities, and persons when (1) The Component suspects or has confirmed that the security or confidentiality of the information in the system of records has been compromised; (2) the Component has determined that as a result of the suspected or confirmed compromise there is a risk of harm to economic or property interests, identity theft or fraud, or harm to the security or integrity of this system or other systems or programs (whether maintained by the Component or another agency or entity) that rely upon the compromised information; and (3) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with the Components efforts to respond to the suspected or confirmed compromise and prevent, minimize, or remedy such harm.

The Blanket Routine Uses set forth at the beginning of the Army's compilation of systems of records notices may also apply to this system. The complete list of DoD Blanket Routine Uses can be found online at: *http://dpcld.defense.gov/Privacy/SORNsIndex/BlanketRoutineUses.aspx.*"

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

STORAGE:

Delete entry and replace with "Paper and electronic records storage."

RETRIEVABILITY:

Delete entry and replace with "By complainant's name."

SAFEGUARDS:

Delete entry and replace with "Records are maintained in secured areas, accessible only to designated officials having official need in the performance of assigned duties. Access to electronic records is restricted by use of Common Access Cards (CACs) and is accessible only by users with an authorized account. The systems are maintained in controlled facilities that employ physical restrictions and safeguards such as security guards, identification badges, key cards, and locks."

RETENTION AND DISPOSAL:

Delete entry and replace with "At the primary location, files are permanent. Two years following closing of case, records are retired to the Washington National Records Center, Suitland, MD. Records at other Army locations are destroyed two years following the final action in the case. Paper records are destroyed by tearing, burning, melting, chemical decomposition, pulping, pulverizing, shredding, or mutilation. Electronic records and media are destroyed by overwriting, degaussing, disintegration, pulverization."

* * * * *

NOTIFICATION PROCEDURE:

Delete entry and replace with "Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Office of the Secretary of the Army Manpower and Reserve Affairs, 103 Army Pentagon, Washington, DC 20310–0103. Segments of the system are maintained at Army installations. Official mailing addresses are published as an appendix to the Army's compilation of systems of records notices.

Individual should provide the full name, and dates pertinent to individual's complaint.

In addition, the requester must provide a notarized statement or an unsworn declaration made in accordance with 28 U.S.C. 1746, in the following format:

If executed outside the United States: 'I declare (or certify, verify, or state) under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on (date). (Signature).'

If executed within the United States, its territories, possessions, or commonwealths: 'I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct. Executed on (date). (Signature)'."

RECORD ACCESS PROCEDURES:

Delete entry and replace with "Individuals seeking access to information about themselves contained in this system should address written inquiries to the Office of the Secretary of the Army Manpower and Reserve Affairs, 103 Army Pentagon, Washington, DC 20310–0103. Segments of the system are maintained at Army installations. Official mailing addresses are published as an appendix to the Army's compilation of systems of records notices.

Individual should provide the full name, and dates pertinent to individual's complaint.

In addition, the requester must provide a notarized statement or an unsworn declaration made in accordance with 28 U.S.C. 1746, in the following format:

If executed outside the United States: 'I declare (or certify, verify, or state) under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on (date). (Signature).'

If executed within the United States, its territories, possessions, or commonwealths: 'I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct. Executed on (date). (Signature)'."

CONTESTING RECORD PROCEDURES:

Delete entry and replace with "The Army's rules for accessing records, and for contesting contents and appealing initial agency determinations are published in 32 CFR part 505, Army Privacy Program, or may be obtained from the system manager."

RECORD SOURCE CATEGORIES:

Delete entry and replace with "From the individual, witnesses, and Army records and reports."

EXEMPTIONS CLAIMED FOR THE SYSTEM:

Delete entry and replace with "Parts of this system may be exempt under 5 U.S.C. 552a(k)(2).

An exemption rule for this system has been promulgated in accordance with the requirements of 5 U.S.C. 553(b)(1), (2) and (3), (c) and (e) and published in 32 CFR part 505. For additional information contact the system manager."

A0600–20 SAMR

SYSTEM NAME:

Soldiers Equal Opportunity Investigative Files.

SYSTEM LOCATION:

Primary location: Office of the Secretary of the Army Manpower and Reserve Affairs (SAMR), 103 Army Pentagon, Washington, DC 20310–0103.

Segments of the system are maintained at Army installations. Official mailing addresses are published as an appendix to the Army's compilation of systems of records notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Former and current U.S. Army military service members (active duty, reservist, or National Guard) who submit an Equal Opportunity compliant.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, unit, race/ethnic group, gender, phone numbers, rank, grade, individual's complaint and supporting documentation, names of parties involved and witness statements, investigatory reports, decisional documents, and correspondence and any additional evidence gathered during the course of the investigation.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 3013, Department of the Army; DoD Directive 1350.2, Department of Defense Military Equal Opportunity (MEO) Program; DoD Instruction 1300.17, Accommodation of Religious Practices Within the Military Services; DoD Instruction 1325.06, Handling Dissident and Protest Activities Among Members of the Armed Forces; and Army Regulation 600–20, Army Command Policy.

PURPOSE(S):

To ensure complaints are properly investigated and appropriate remedial action initiated to correct inequities. Demographic (*e.g.* race, ethnic group, gender) and de-identified complaints data is aggregated for statistical reporting.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act of 1974, as amended, the records contained herein may specifically be disclosed outside the DoD as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

Law Enforcement Routine Use: If a system of records maintained by a DoD Component to carry out its functions indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the agency concerned, whether federal, state, local, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation, or order issued pursuant thereto.

Congressional Inquiries Disclosure Routine Use: Disclosure from a system of records maintained by a DoD Component may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Disclosure to the Department of Justice for Litigation Routine Use: A record from a system of records maintained by a DoD Component may be disclosed as a routine use to any component of the Department of Justice for the purpose of representing the Department of Defense, or any officer, employee or member of the Department in pending or potential litigation to which the record is pertinent.

Disclosure of Information to the National Archives and Records Administration Routine Use: A record from a system of records maintained by a DoD Component may be disclosed as a routine use to the National Archives and Records Administration for the purpose of records management inspections conducted under authority of 44 U.S.C. 2904 and 2906.

Data Breach Remediation Purposes Routine Use: A record from a system of records maintained by a Component may be disclosed to appropriate agencies, entities, and persons when (1) The Component suspects or has confirmed that the security or confidentiality of the information in the system of records has been compromised; (2) the Component has determined that as a result of the suspected or confirmed compromise there is a risk of harm to economic or property interests, identity theft or fraud, or harm to the security or integrity of this system or other systems or programs (whether maintained by the Component or another agency or entity) that rely upon the compromised information; and (3) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with the Components efforts to respond to the suspected or confirmed compromise and prevent, minimize, or remedy such harm.

The Blanket Routine Uses set forth at the beginning of the Army's compilation of systems of records notices may also apply to this system. The complete list of DoD Blanket Routine Uses can be found online at: *http://dpcld.defense.gov/Privacy/SORNsIndex/BlanketRoutineUses.aspx.*

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

STORAGE:

Paper and electronic records storage.

RETRIEVABILITY:

By complainant's name.

SAFEGUARDS:

Records are maintained in secured areas, accessible only to designated officials having official need in the performance of assigned duties. Access to electronic records is restricted by use of Common Access Cards (CACs) and is accessible only by users with an authorized account. The systems are maintained in controlled facilities that employ physical restrictions and safeguards such as security guards, identification badges, key cards, and locks.

RETENTION AND DISPOSAL:

At the primary location, files are permanent. Two years following closing of case, records are retired to the Washington National Records Center, Suitland, MD. Records at other Army locations are destroyed two years following the final action in the case. Paper records are destroyed by tearing, burning, melting, chemical decomposition, pulping, pulverizing, shredding, or mutilation. Electronic records and media are destroyed by overwriting, degaussing, disintegration, pulverization.

SYSTEM MANAGER(S) AND ADDRESS:

Secretary of the Army Manpower and Reserve Affairs, 103 Army Pentagon, Washington, DC 20310–0103.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Office of the Secretary of the Army Manpower and Reserve Affairs, 103 Army Pentagon, Washington, DC 20310–0103. Segments of the system are maintained at Army installations. Official mailing addresses are published as an appendix to the Army's compilation of systems of records notices.

Individual should provide the full name, and dates pertinent to individual's complaint.

In addition, the requester must provide a notarized statement or an unsworn declaration made in accordance with 28 U.S.C. 1746, in the following format:

If executed outside the United States: "I declare (or certify, verify, or state) under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on (date). (Signature)."

If executed within the United States, its territories, possessions, or commonwealths: "I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct. Executed on (date). (Signature)."

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Office of the Secretary of the Army Manpower and Reserve Affairs, 103 Army Pentagon, Washington, DC 20310–0103. Segments of the system are maintained at Army installations. Official mailing addresses are published as an appendix to the Army's compilation of systems of records notices.

Individual should provide the full name, and dates pertinent to individual's complaint.

In addition, the requester must provide a notarized statement or an unsworn declaration made in accordance with 28 U.S.C. 1746, in the following format:

If executed outside the United States: "I declare (or certify, verify, or state) under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on (date). (Signature)." If executed within the United States, its territories, possessions, or commonwealths: "I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct. Executed on (date). (Signature)."

CONTESTING RECORD PROCEDURES:

The Army's rules for accessing records, and for contesting contents and appealing initial agency determinations are published in 32 CFR part 505, Army Privacy Program, or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

From the individual, witnesses, and Army records and reports.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

Parts of this system may be exempt under 5 U.S.C. 552a(k)(2).

An exemption rule for this system has been promulgated in accordance with the requirements of 5 U.S.C. 553(b)(1), (2) and (3), (c) and (e) and published in 32 CFR part 505. For additional information contact the system manager.

[FR Doc. 2016–18823 Filed 8–9–16; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID: DOD–2016–OS–0085]

Privacy Act of 1974; System of Records

AGENCY: Office of the Secretary of Defense, DoD.

ACTION: Notice to alter a system of records.

SUMMARY: The Office of the Secretary of Defense proposes to alter a system of records, DFMP 09, entitled "Defense Equal Opportunity Management Institute Student File." The system is used to manage administrative and academic functions related to student registration and courses attempted and completed. Records are used to ensure class diversity; input grades; track student progress; advise/counsel as needed; verify attendance; and are used by the academic review board and the Commandant to make decisions regarding the release of students from the program. Records are also used as a management tool for statistical analysis, tracking, and reporting.

DATES: Comments will be accepted on or before September 9, 2016. This proposed action will be effective the date following the end of the comment period unless comments are received which result in a contrary determination.

ADDRESSES: You may submit comments, identified by docket number and title, by any of the following methods:

* *Federal Rulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.

* *Mail:* Department of Defense, Office of the Deputy Chief Management Officer, Directorate for Oversight and Compliance, 4800 Mark Center Drive, Mailbox #24, Alexandria, VA 22350–1700.

Instructions: All submissions received must include the agency name and docket number for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the Internet at *http://www.regulations.gov* as they are received without change, including any personal identifiers or contact information.

FOR FURTHER INFORMATION CONTACT: Mrs. Luz D. Ortiz, Chief, Records, Privacy and Declassification Division (RPD2), 1155 Defense Pentagon, Washington, DC 20301–1155, or by phone at (571) 372–0478.

SUPPLEMENTARY INFORMATION: The Office of the Secretary of Defense notices for systems of records subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended, have been published in the **Federal Register** and are available from the address in **FOR FURTHER INFORMATION CONTACT** or at the Defense Privacy and Civil Liberties Division Web site at *http://dpcld.defense.gov/.*

The proposed systems reports, as required by 5 U.S.C. 552a(r) of the Privacy Act, as amended, were submitted on July 19, 2016, to the House Committee on Oversight and Government Reform, the Senate Committee on Homeland Security and Governmental Affairs, and the Office of Management and Budget (OMB) pursuant to paragraph 4 of Appendix I to OMB Circular No. A–130, "Federal Agency Responsibilities for Maintaining Records About Individuals," revised November 28, 2000 (December 12, 2000 65 FR 77677).

Dated: August 4, 2016.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

DFMP 09

SYSTEM NAME:

Defense Equal Opportunity Management Institute Student File (February 22, 1993, 58 FR 10227).

CHANGES:

SYSTEM IDENTIFIER:

Delete entry and replace with "DPR 48."

SYSTEM NAME:

Delete entry and replace with "Defense Equal Opportunity Management Institute Integrated Database."

SYSTEM LOCATION:

Delete entry and replace with "Defense Equal Opportunity Management Institute, 366 Tuskegee Airmen Drive, Building 352, Patrick AFB, FL 32925–3399."

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Delete entry and replace with "Active duty military, Reserve Components, DoD civilians, other Federal Government agency employees, and contractors attending courses at the Defense Equal Opportunity Management Institute (DEOMI)."

CATEGORIES OF RECORDS IN THE SYSTEM:

Delete entry and replace with "Name, Social Security Number (SSN), gender, birth date, race/ethnicity, religious preference, disability information, unit/home address, email, work and home/cell phone numbers; lodging at training location (facility, address, and room number); emergency contact name, address, relationship, and phone number; education level; employment information (military or civilian organization), rank, date of rank, date entered service, pay grade, occupational series, clearance level, duty position;

student number, class number, DEOMI test and examination scores, instructor grades, and advisor progress reports.''

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Delete entry and replace with ''10 U.S.C. 136, Under Secretary of Defense for Personnel and Readiness; 5 U.S.C. 4103, Establishment of training programs; DoD Directive (DoDD) 1020.02E, Diversity Management and Equal Opportunity (EO) in the Department of Defense; DoDD 1322.18, Military Training; DoDD 1350.2, Department of Defense Military Equal Opportunity (MEO) Program; DoDD 1440.1, The DoD Civilian Equal Employment Opportunity (EEO) Program; and E.O. 9397 (SSN), as amended.''

PURPOSE:

Delete entry and replace with ''To manage administrative and academic functions related to student registration and courses attempted and completed. Records are used to ensure class diversity; input grades; track student progress; advise/counsel as needed; verify attendance; and are used by the academic review board and the Commandant to make decisions regarding the release of students from the program. Records are also used as a management tool for statistical analysis, tracking, and reporting.''

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Delete entry and replace with ''In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act of 1974, as amended, the records contained herein may specifically be disclosed outside the DoD as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

Law Enforcement Routine Use: If a system of records maintained by a DoD Component to carry out its functions indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the agency concerned, whether federal, state, local, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation, or order issued pursuant thereto.

Congressional Inquiries Disclosure Routine Use: Disclosure from a system of records maintained by a DoD Component may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Disclosure of Information to the National Archives and Records Administration Routine Use: A record from a system of records maintained by a DoD Component may be disclosed as a routine use to the National Archives and Records Administration for the purpose of records management inspections conducted under authority of 44 U.S.C. 2904 and 2906.

Data Breach Remediation Purposes Routine Use: A record from a system of records maintained by a Component may be disclosed to appropriate agencies, entities, and persons when (1) The Component suspects or has confirmed that the security or confidentiality of the information in the system of records has been compromised; (2) the Component has determined that as a result of the suspected or confirmed compromise there is a risk of harm to economic or property interests, identity theft or fraud, or harm to the security or integrity of this system or other systems or programs (whether maintained by the Component or another agency or entity) that rely upon the compromised information; and (3) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with the Components efforts to respond to the suspected or confirmed compromise and prevent, minimize, or remedy such harm.

The DoD Blanket Routine Uses set forth at the beginning of the Office of the Secretary of Defense (OSD) compilation of systems of records notices may apply to this system. The complete list of DoD Blanket Routine Uses can be found online at: *http://dpcld.defense.gov/Privacy/SORNsIndex/BlanketRoutineUses.aspx*''

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Delete entry and replace with ''Electronic storage media.''

* * * * *

SAFEGUARDS:

Delete entry and replace with ''Records are stored in a controlled access area in a DoD facility which is protected by base entry security guards and is accessible only to badged personnel. Access to records is restricted to authorized personnel in performance of their official duties through the use of a Common Access Card (CAC) and PIN. Records are stored in an encrypted database and access requires token authentication. Periodic security audits, regular monitoring of user security practices and methods to ensure only authorized personnel access records are applied.''

RETENTION AND DISPOSAL:

Delete entry and replace with ''Cut off on graduation, transfer, withdrawal, or death of student. Destroy 50 years after cut off.''

SYSTEM MANAGER AND ADDRESS:

Delete entry and replace with ''Director, Information Systems, Defense Equal Opportunity Management Institute, 366 Tuskegee Airmen Drive, Building 352, Patrick AFB, FL 32925–3399.''

NOTIFICATION PROCEDURE:

Delete entry and replace with ''Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Director, Personnel and Student Services, Attn: Student Services, Defense Equal Opportunity Management Institute, 366 Tuskegee Airmen Drive, Building 352, Patrick AFB, FL 32925–3399.

Signed, written requests should include full name, SSN or student number, current address, telephone number, and class attended or class number.

In addition, the requester must provide a notarized statement or an unsworn declaration made in accordance with 28 U.S.C. 1746, in the following format:

If executed outside the United States: 'I declare (or certify, verify, or state) under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on (date). (Signature).'

If executed within the United States, its territories, possessions, or commonwealths: 'I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct. Executed on (date). (Signature).'

If requesting information about a minor or legally incompetent person, the request must be made by the custodial parent, legal guardian, or person with legal authority to make decisions on behalf of the individual. Written proof of that status may be required before the existence of any information will be confirmed.''

RECORD ACCESS PROCEDURES:

Delete entry and replace with ''Individuals seeking access to information about themselves contained in this system should address written inquiries to the Office of the Secretary of Defense/Joint Staff Freedom of Information Act, Requester Service Center, Office of Freedom of Information, 1155 Defense Pentagon, Washington, DC 20301–1155.

Signed, written requests should include full name, SSN or student number, current address, telephone number, class attended or class number, and the name and number of this system of records notice.

In addition, the requester must provide a notarized statement or an unsworn declaration made in accordance with 28 U.S.C. 1746, in the following format:

If executed outside the United States: 'I declare (or certify, verify, or state) under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on (date). (Signature).'

If executed within the United States, its territories, possessions, or commonwealths: 'I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct. Executed on (date). (Signature).'

If requesting information about a minor or legally incompetent person, the request must be made by the custodial parent, legal guardian, or person with legal authority to make decisions on behalf of the individual. Written proof of that status may be required before the existence of any information will be confirmed."

CONTESTING RECORD PROCEDURES:

Delete entry and replace with "The Office of the Secretary of Defense (OSD) rules for accessing records, for contesting contents and appealing initial agency determinations are published in OSD Administrative Instruction 81; 32 CFR part 311; or may be obtained from the system manager."

RECORD SOURCE CATEGORIES:

Delete entry and replace with "Individuals, instructors, facilitators, and examinations."

* * * * *

DPR 48

SYSTEM NAME:

Defense Equal Opportunity Management Institute Integrated Database.

SYSTEM LOCATION:

Defense Equal Opportunity Management Institute, 366 Tuskegee Airmen Drive, Building 352, Patrick AFB, FL 32925–3399.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Active duty military, Reserve Components, DoD civilians, other Federal Government agency employees, and contractors attending courses at the Defense Equal Opportunity Management Institute (DEOMI).

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, Social Security Number (SSN), gender, birth date, race/ethnicity, religious preference, disability information, unit/home address, email, work and home/cell phone numbers; lodging at training location (facility, address, and room number); emergency contact name, address, relationship, and phone number; education level; employment information (military or civilian organization), rank, date of rank, date entered service, pay grade, occupational series, clearance level, duty position; student number, class number, DEOMI test and examination scores, instructor grades, and advisor progress reports.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 136, Under Secretary of Defense for Personnel and Readiness; 5 U.S.C. 4103, Establishment of training programs; DoD Directive (DoDD) 1020.02E, Diversity Management and Equal Opportunity (EO) in the Department of Defense; DoDD 1322.18, Military Training; DoDD 1350.2, Department of Defense Military Equal Opportunity (MEO) Program; DoDD 1440.1, The DoD Civilian Equal Employment Opportunity (EEO) Program; and E.O. 9397 (SSN), as amended.

PURPOSE:

To manage administrative and academic functions related to student registration and courses attempted and completed. Records are used to ensure class diversity; input grades; track student progress; advise/counsel as needed; verify attendance; and are used by the academic review board and the Commandant to make decisions regarding the release of students from the program. Records are also used as a management tool for statistical analysis, tracking, and reporting.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act of 1974, as amended, the records contained herein may specifically be disclosed outside the DoD as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

Law Enforcement Routine Use: If a system of records maintained by a DoD Component to carry out its functions indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the agency concerned, whether federal, state, local, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation, or order issued pursuant thereto.

Congressional Inquiries Disclosure Routine Use: Disclosure from a system of records maintained by a DoD Component may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Disclosure of Information to the National Archives and Records Administration Routine Use: A record from a system of records maintained by a DoD Component may be disclosed as a routine use to the National Archives and Records Administration for the purpose of records management inspections conducted under authority of 44 U.S.C. 2904 and 2906.

Data Breach Remediation Purposes Routine Use: A record from a system of records maintained by a Component may be disclosed to appropriate agencies, entities, and persons when (1) The Component suspects or has confirmed that the security or confidentiality of the information in the system of records has been compromised; (2) the Component has determined that as a result of the suspected or confirmed compromise there is a risk of harm to economic or property interests, identity theft or fraud, or harm to the security or integrity of this system or other systems or programs (whether maintained by the Component or another agency or entity) that rely upon the compromised information; and (3) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with the Components efforts to respond to the suspected or confirmed compromise and prevent, minimize, or remedy such harm.

The DoD Blanket Routine Uses set forth at the beginning of the Office of the Secretary of Defense (OSD) compilation of systems of records notices may apply to this system. The complete list of DoD Blanket Routine Uses can be found online at: *http://dpcld.defense.gov/Privacy/SORNsIndex/BlanketRoutineUses.aspx.*

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Electronic storage media.

RETRIEVABILITY:

Name, Social Security Number, student number or class.

SAFEGUARDS:

Records are stored in a controlled access area in a DoD facility which is protected by base entry security guards and is accessible only to badged personnel. Access to records is restricted to authorized personnel in performance of their official duties through the use of a Common Access Card (CAC) and PIN. Records are stored in an encrypted database and access requires token authentication. Periodic security audits, regular monitoring of user security practices and methods to ensure only authorized personnel access records are applied.

RETENTION AND DISPOSAL:

Cut off on graduation, transfer, withdrawal, or death of student. Destroy 50 years after cut off.

SYSTEM MANAGER AND ADDRESS:

Director, Information Systems, Defense Equal Opportunity Management Institute, 366 Tuskegee Airmen Drive, Building 352, Patrick AFB, FL 32925–3399.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Director, Personnel and Student Services, Attn: Student Services, Defense Equal Opportunity Management Institute, 366 Tuskegee Airmen Drive, Building 352, Patrick AFB, FL 32925–3399.

Signed, written requests should include full name, SSN or student number, current address, telephone number, and class attended or class number.

In addition, the requester must provide a notarized statement or an unsworn declaration made in accordance with 28 U.S.C. 1746, in the following format:

If executed outside the United States: ''I declare (or certify, verify, or state) under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on (date). (Signature).''

If executed within the United States, its territories, possessions, or commonwealths: ''I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct. Executed on (date). (Signature).''

If requesting information about a minor or legally incompetent person, the request must be made by the custodial parent, legal guardian, or person with legal authority to make decisions on behalf of the individual. Written proof of that status may be required before the existence of any information will be confirmed.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Office of the Secretary of Defense/Joint Staff Freedom of Information Act, Requester Service Center, Office of Freedom of Information, 1155 Defense Pentagon, Washington, DC 20301–1155.

Signed, written requests should include full name, SSN or student number, current address, telephone number, class attended or class number, and the name and number of this system of records notice.

In addition, the requester must provide a notarized statement or an unsworn declaration made in accordance with 28 U.S.C. 1746, in the following format:

If executed outside the United States: ''I declare (or certify, verify, or state) under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on (date). (Signature).''

If executed within the United States, its territories, possessions, or commonwealths: ''I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct. Executed on (date). (Signature).''

If requesting information about a minor or legally incompetent person, the request must be made by the custodial parent, legal guardian, or person with legal authority to make decisions on behalf of the individual. Written proof of that status may be required before the existence of any information will be confirmed.

CONTESTING RECORD PROCEDURES:

The Office of the Secretary of Defense (OSD) rules for accessing records, for contesting contents and appealing initial agency determinations are published in OSD Administrative Instruction 81; 32 CFR part 311; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Individuals, instructors, facilitators, and examinations.

EXEMPTIONS:

None.

[FR Doc. 2016–18927 Filed 8–9–16; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Department of the Army; Corps of Engineers

Deauthorization of Water Resources Projects

AGENCY: Army Corps of Engineers, DoD.

ACTION: Notice of project deauthorizations.

SUMMARY: The U.S. Army Corps of Engineers is publishing the names of water resources projects that have been automatically deauthorized under the provisions of § 1001(a), Public Law 99–662, as amended, 33 U.S.C. 579a(a).

FOR FURTHER INFORMATION CONTACT: Mr. Joseph W. Aldridge, Headquarters, U.S. Army Corps of Engineers, Attention: CECW–IP, Washington, DC 20314–1000. Tel. (202) 761–4130 or *joseph.w.aldridge@usace.army.mil.*

SUPPLEMENTARY INFORMATION: Section 1001(a) of the Water Resources Development Act of 1986, Public Law 99–662, 100 Stat. 4082–4273, as amended, provides for the automatic deauthorization of water resource projects that were authorized in Public Law 99–662 and did not have obligations for planning, design, or construction in the five-year period following the date of enactment of Public Law 99–662 (November 17, 1986).

In accordance with section 1001(a), of WRDA 1986, 24 projects were automatically deauthorized on November 17, 1991. The following table indicates the disposition of the listed projects.

TABLE 1—(AUTOMATICALLY DEAUTHORIZED UNDER SECTION 1001(a) OF WRDA 1986)

Corps district	Projects automatically deauthorized on 17 November 1991 under Section 1001(a) WRDA 1986	Primary state	Project purpose
POA	SOUTH CENTRAL RAILBELT AREA, AK	AK	HYD

TABLE 1—(AUTOMATICALLY DEAUTHORIZED UNDER SECTION 1001(a) OF WRDA 1986)—Continued

Corps district	Projects automatically deauthorized on 17 November 1991 under Section 1001(a) WRDA 1986	Primary state	Project purpose
SWL	LITTLE RIVER, AR	AR	FRM
SPL	LITTLE COLORADO RIVER WATERSHED, AZ	AZ	FRM
SPL	RILLITO RIVER, EL RIO ANTIGUO, AZ	AZ	AER
SPK	SACRAMENTO RIVER, CA	CA	EI
SPL	HUNTINGTON HARBOR DREDGING, CA	CA	AER
NWO	METROPOLITAN DENVER, CO	CO	FRM
POH	WAILUA FALLS, WAILUA RIVER, KAUAI, HI	HI	HYD
LRL	WABASH RIVER, IL	IL	FRM
LRC	LAKE GEORGE, HOBART, IN	IN	AER
LRL	OHIO RIVER AND TRIBUTARIES, KY & WV	KY&WV	FRM
MVN	LAKE CHARLES, LA	LA	NAV
MVK	CANEY CREEK, MS	MS	FRM
MVK	GREENVILLE HARBOR, MS	MS	NAV
NAN	FRESH KILLS IN CARTERET, NJ	NJ	NAV
NAN	GREENWOOD LAKE AND BELCHER CREEK, NJ	NJ	AER
NAN	PASSAIC RIVER BASIN CHANNEL CLEARING, NJ	NJ	FRM
NAN	PASSAIC RIVER, NJ	NJ	FRM
LRP	WHEELING CREEK WATERSHED, OH	OH	AER
NAP	SCHUYLKILL RIVER BASIN, POTTSTOWN, PA	PA	FRM
NWO	JAMES RIVER ND & SD	SD	FRM
MVM	MEMPHIS, TN	TN&MS	FRM
SAJ	CROWN BAY CHANNEL, ST. THOMAS HARBOR, VI	VI	NAV
NWS	LA CONNER, WA	WA	FRM
	Total: 24.		

U.S. Army Corps Districts
- LRC Chicago District
- LRL Louisville District
- LRP Pittsburgh District
- MVK Vicksburg District
- MVM Memphis District
- MVN New Orleans District
- NAN New York District
- NAP Philadelphia District
- NWO Omaha District
- NWS Seattle District
- POA Alaska District
- POH Honolulu District
- SAJ Jacksonville District
- SPK Los Angeles District
- SPL Albuquerque District
- SWL Little Rock District

Authorized Project Purposes
- AER Aquatic Ecosystems Restoration
- EI Environment Infrastructure
- FRM Flood Risk Management
- HYD Hydroelectric Power
- NAV Navigation

Authority: This notice is required by the Water Resources Development Act of 1986, Public Law 99–662, section 1001(c), 33 U.S.C. 579a(c).

Dated: July 21, 2016.

Jo-Ellen Darcy,

Assistant Secretary of the Army (Civil Works).

[FR Doc. 2016–19024 Filed 8–9–16; 8:45 am]

BILLING CODE 3720–58–P

DEPARTMENT OF DEFENSE

Department of the Army; Corps of Engineers

Deauthorization of Water Resources Projects

AGENCY: Army Corps of Engineers, DoD.

ACTION: Notice of project deauthorizations.

SUMMARY: The U.S. Army Corps of Engineers is publishing the name of one water resources project that has been automatically deauthorized under the provisions of § 350(b) of Public Law 106–541.

FOR FURTHER INFORMATION CONTACT: Mr. Joseph W. Aldridge, Headquarters, U.S. Army Corps of Engineers, Attention: CECW–IP, Washington, DC 20314–1000. Tel. (202) 761–4130 or *joseph.w.aldridge@usace.army.mil.*

SUPPLEMENTARY INFORMATION: Section 350(b) of Public Law 106–541, the Water Resources Development Act of 2000, 100 Stat. 2633, provides that a project for which authorization was continued under section 350(a) of Public Law 106–541, notwithstanding section 1001(b)(2) of the Water Resources Development Act of 1986 (33 U.S.C. 579a(b)(2)), as amended, was to be deauthorized if no funds had been obligated for the construction (including planning and design) of the project within a 7-year period beginning on the date of enactment.

In accordance with section 350(b), of WRDA 2000, one (1) project was automatically deauthorized on December 11, 2007. The following table indicates the disposition of the listed project.

TABLE 1—(AUTOMATICALLY DEAUTHORIZED UNDER SECTION 350(b) PUB. L. 106–541)

Corps district	Projects automatically deauthorized on 11 December 2007 under Section 350(b) Pub. L. 106–541 (7-yr provision)	Primary state	Project purpose
SPK	SACRAMENTO RIVER FROM CHICO LANDING TO RED BLUFF, CA	CA	FRM
	Total: 1.		

Corps District:
- SPK Sacramento District

Project Purpose:
- FRM Flood Risk Management

Authority: This notice is pursuant to section 350(b) of Public Law 106–541.

Dated: July 21, 2016.

Jo-Ellen Darcy,

Assistant Secretary of the Army (Civil Works).

[FR Doc. 2016–19016 Filed 8–9–16; 8:45 am]

BILLING CODE 3720–58–P

DEPARTMENT OF DEFENSE

Department of the Army; Corps of Engineers

Deauthorization of Water Resources Projects

AGENCY: Army Corps of Engineers, DoD.

ACTION: Notice of correction.

SUMMARY: The U.S. Army Corps of Engineers published a notice in the **Federal Register**, 74 FR 126 E9–15663 (July 2, 2009) announcing projects deauthorized under Section 1001(b)(2) WRDA 1986, as amended. This correction notice clarifies the deauthorization related to the Reelfoot Lake-Lake No 9 project.

FOR FURTHER INFORMATION CONTACT: Mr. Joseph W. Aldridge, Headquarters, U.S. Army Corps of Engineers, Attention: CECW–IP, Washington, DC 20314–1000. Tel. (202) 761–4130 or *joseph.w.aldridge@usace.army.mil.*

CORRECTION: Correct the list in the **Federal Register** of July 2, 2009, in FR Doc. E9–15663, on page 31714, "Projects Deauthorized on 29 March 2009 Under Section 1001(B)(2) WRDA 1986, as Amended", by amending the REELFOOT LAKE—LAKE NO 9, TN & KY project name to read REELFOOT LAKE—LAKE NO 9, TN & KY (UNCONSTRUCTED PORTIONS). The notice was intended to deauthorize only the unconstructed portions of this project. The constructed portions of Reelfoot Lake-Lake No 9, TN & KY remain authorized.

Authority: This notice is required by the Water Resources Development Act of 1986, Public Law 99–662, section 1001(c), 33 U.S.C. 579a(c).

Dated: July 21, 2016.

Approved by:

Jo-Ellen Darcy,

Assistant Secretary of the Army (Civil Works).

[FR Doc. 2016–19026 Filed 8–9–16; 8:45 am]

BILLING CODE 3720–58–P

DEPARTMENT OF DEFENSE

Department of the Army; Corps of Engineers

Deauthorization of Water Resources Projects

AGENCY: Army Corps of Engineers, DoD.

ACTION: Notice of project deauthorizations.

SUMMARY: The U.S. Army Corps of Engineers is publishing the names of water resources projects that have been automatically deauthorized under the provisions of § 1001(b)(2), Public Law 99–662, as amended, 33 U.S.C 579a(b)(2).

FOR FURTHER INFORMATION CONTACT: Mr. Joseph W. Aldridge, Headquarters, U.S. Army Corps of Engineers, Attention: CECW–IP, Washington, DC 20314–1000. Tel. (202) 761–4130 or *joseph.w.aldridge@usace.army.mil.*

SUPPLEMENTARY INFORMATION: Section 1001(b)(2) of the Water Resources Development Act of 1986, Public Law 99–662, 100 Stat. 4082–4273, as amended, provides for the automatic deauthorization of water resource projects and separable elements of projects that are eligible for deauthorization under that section.

Section 1001(b)(2), 33 U.S.C. 579a(b)(2), requires the Secretary of the Army to annually submit to the Congress a list of unconstructed water resources projects and separable elements of projects for which no funds have been obligated for planning, design or construction during the preceding five full fiscal years. If no funds are obligated to a listed project by end of the fiscal year following the fiscal year in which the project was listed, then the project is automatically deauthorized. Notwithstanding these provisions, projects may be specifically deauthorized or reauthorized by law. (Note: The provision of § 1001(b)(2) prior to the 2007 amendments apply to this action.)

In accordance with section 1001(b)(2), in Fiscal Year (FY) 2010 the Assistant Secretary of the Army (Civil Works) submitted a list informing Congress of 11 projects and separable elements that would be subject to automatic deauthorization after September 30, 2011, and in FY 2011 submitted a list of 20 projects and separable elements that would be subject to automatic deauthorization after September 30, 2012, and in FY 2012 submitted a list of 2 projects and separable elements that would be subject to automatic deauthorization after September 30, 2013. Of the 33 projects and separable elements included in these three lists, all 33 were in fact automatically deauthorized, in accordance with section 1001(b)(2). The following three tables indicate the disposition of each of the 33 listed projects.

TABLE 1

[FY2010 Deauthorization List]

Corps district	Projects deauthorized on 01 October 2011 under Section 1001(b)(2) WRDA 1986, as amended	Primary state	Project purpose
MVM	CACHE RIVER BASIN, AR	AR	FC
MVM	LOWER WHITE RIVER, BIG CREEK & TRIBUTARIES, AR	AR	FC
SPL	CARNEROS CREEK, CA	CA	FC
SPN	NOYO RIVER AND HARBOR (BREAKWATER), CA	CA	NAV
LRH	LOGAN, OH	OH	FC
SAC	CHARLESTON HARBOR—SHIPYARD RIVER UPPER CHANNEL & UPPER TURNING BASIN, SC.	SC	NAV
MVM	HARRIS FORK CREEK, TN & KY	TN	FC
MVM	NONCONNAH CREEK, ENVIRONMENTAL ENHANCEMENT, TN & MS	TN	ENR
MVM	NONCONNAH CREEK, RECREATION ELEMENT, TN & MS	TN	ENR
MVK	RED RIVER WATERWAY, SHREVEPORT, LA TO DAINGERFIELD, TX	TX	NAV
NAO	JAMES R OLIN FLOOD CONTROL PROJECT, VA (separable element)	VA	FC
	Total: 11		

TABLE 2

[FY2011 Deauthorization List]

Corps district	Projects deauthorized on 01 October 2012 under Section 1001(b)(2) WRDA 1986, as amended	Primary state	Project purpose
SWF	ST GEORGE HARBOR, AK	AK	NAV
SWL	BEAVER DAM TROUT PRODUCTION, AR	AR	ENV
SWL	JOHN PAUL HAMMERSCHMIDT VISITOR CENTER, AR	AR	
SPL	SANTA MONICA BREAKWATER, CA	CA	NAV
LRL	OHIO RIVER ECOSYSTEM RESTORATION PROGRAM, KY	KY	ENV
NAP	DELAWARE RIVER, CHES AND DEL CANAL, DE & MD	MD	NAV
NAP	DELAWARE BAY COASTLINE, DE & NJ—OAKWOOD BEACH, NJ	NJ	FDR
SWT	PARKER LAKE, OK	OK	FDR
SAJ	RIO GRANDE DE LOIZA, PR	PR	FDR
SAJ	RIO GUANAJIBO, PR	PR	FDR
SWF	AF641–SHOAL CRK., AUSTIN TX	TX	FDR
SWG	ARROYO COLORADO, TX	TX	FDR
SWF	BIG SANDY LAKE,TX BA519	TX	FDR
SWF	ELM FORK FLOODWAY, MD (BA511)	TX	FDR
SWF	FT WORTH STOCKYARDS, TARRANT CO, (BE129)	TX	FDR
SWF	LAKE WORTH, TX (AF653)	TX	FDR
SWF	MILLICAN LAKE, TX	TX	FDR
SWF	ROCKLAND LAKE,TX (AF664)	TX	FDR
SWF	SAN GABRIEL RIVER–SOUTH FORK, TX (BE257)	TX	FDR
SWF	SOMERVILLE LAKE BE273	TX	FDR
	Total: 20		

TABLE 3

[FY2012 Deauthorization List]

Corps district	Projects deauthorized on 01 October 2013 Under Section 1001(b)(2) WRDA 1986, as amended	Primary state	Project purpose
MVS	ST LOUIS HARBOR, MO AND IL	IL	NAV
LRB	OTTAWA RIVER HARBOR, OH	OH	NAV
	Total: 2		

U.S. Army Corps Districts:

LRB	Buffalo District
LRH	Huntington District
LRL	Louisville District
MVK	Vicksburg District
MVM	Memphis District
MVS	St. Louis District
NAO	Norfolk District
SAC	Charleston District
SAJ	Jacksonville District
SPL	Albuquerque District
SPN	Sacramental District
SWF	Fort Worth District
SWG	Galveston District
SWL	Little Rock District
NAP	Philadelphia District
SWT	Tulsa District

Authorized Project Purposes:

ENR	Aquatic Ecosystem Restoration
ENV	Environment
FC	Flood Control
FDR	Flood Damage Reduction
NAV	Navigation

Authority: This notice is required by the Water Resources Development Act of 1986, Public Law 99–662, section 1001(c), 33 U.S.C. 579a(c).

Dated: July 21, 2016.

Jo-Ellen Darcy,

Assistant Secretary of the Army (Civil Works).

[FR Doc. 2016–19020 Filed 8–9–16; 8:45 am]

BILLING CODE 3720–58–P

DEPARTMENT OF EDUCATION

[Docket No.: ED–2016–ICCD–0089]

Agency Information Collection Activities; Comment Request; Federal Direct Loan Program Regulations for Forbearance and Loan Rehabilitation

AGENCY: Federal Student Aid (FSA), Department of Education (ED).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 3501 *et seq.*), ED is proposing an extension of an existing information collection.

DATES: Interested persons are invited to submit comments on or before October 11, 2016.

ADDRESSES: To access and review all the documents related to the information collection listed in this notice, please use *http://www.regulations.gov* by searching the Docket ID number ED–2016–ICCD–0089. Comments submitted in response to this notice should be submitted electronically through the Federal eRulemaking Portal at *http://www.regulations.gov* by selecting the Docket ID number or via postal mail, commercial delivery, or hand delivery. *Please note that comments submitted by fax or email and those submitted after the comment period will not be accepted.* Written requests for information or comments submitted by postal mail or delivery should be addressed to the Director of the Information Collection Clearance Division, U.S. Department of Education, 400 Maryland Avenue SW., LBJ, Room 2E343, Washington, DC 20202–4537.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact Beth Grebeldinger, 202–377–4018.

SUPPLEMENTARY INFORMATION: The Department of Education (ED), in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)), provides the general public and Federal agencies with an opportunity to comment on proposed, revised, and continuing collections of information. This helps the Department assess the impact of its information collection requirements and minimize the public's reporting burden. It also helps the public understand the Department's information collection requirements and provide the requested data in the desired format. ED is soliciting comments on the proposed information collection request (ICR) that is described below. The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology. Please note that written comments received in response to this notice will be considered public records.

Title of Collection: Federal Direct Loan Program Regulations for Forbearance and Loan Rehabilitation.

OMB Control Number: 1845–0119.

Type of Review: An extension of an existing information collection.

Respondents/Affected Public: Individuals or Households.

Total Estimated Number of Annual Responses: 129,027.

Total Estimated Number of Annual Burden Hours: 35,094.

Abstract: This information collection for the Direct Loan (DL) Program is related to regulations for dealing with defaulted loans and forbearance in § 685.205 and reasonable and affordable loan rehabilitation in § 685.211. We are requesting an extension of the current burden calculated for this information collection. These regulations provide additional flexibilities for Direct Loan borrowers and permit oral requests for forbearance, as well as allow a borrower to object to the initially established reasonable and affordable loan repayment amount. In addition, if a borrower incurs changes to his or her financial circumstances, the borrower can provide supporting documentation to change the amount of the reasonable and affordable loan monthly repayment amount. There has been no change to the regulatory language.

Dated: August 5, 2016.

Stephanie Valentine,

Acting Director Information Collection Clearance Division, Office of the Chief Privacy Officer, Office of Management.

[FR Doc. 2016–19015 Filed 8–9–16; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Proposed Agency Information Collection

AGENCY: U.S. Department of Energy.

ACTION: Notice and request for comments.

SUMMARY: The Department of Energy (DOE) invites public comment on a proposed collection of information that DOE is developing for submission to the Office of Management and Budget (OMB) pursuant to the Paperwork Reduction Act of 1995. Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

DATES: Comments regarding this proposed information collection must be received on or before October 11, 2016. If you anticipate difficulty in submitting comments within that period, contact the person listed in **ADDRESSES** as soon as possible.

ADDRESSES: Written comments may be sent to Linh Truong, National Renewable Energy Laboratory, Attn: Linh Truong, Mail Stop: RSF034, 15013 Denver West Parkway, Golden, CO 80401, or by fax at 303–630–2108, or by email at *linh.truong@nrel.gov.*

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument and instructions should be directed to: Craig Turchi, National Renewable Energy Laboratories, 303–384–7565, *Craig.Turchi@nrel.gov.*

SUPPLEMENTARY INFORMATION: This information collection request contains: (1) OMB No. "New"; (2) Information Collection Request Title: Concentrating Solar Power Solar Advisor Model (SAM) Industry Survey; (3) Type of Request: New collection; (4) Purpose: In an effort to improve the efficiency of Concentrating Solar Plants (CSP), this survey is necessary to collect data for the Department of Energy and the national labs from industry members in order to:

- Assess how the industry is using the SAM tool and its accuracy
- Assess opportunities for, and barriers to, national laboratory and industry collaboration on improving the SAM tool

The information collected in this survey will be published in a report and help to inform new possibilities for the national labs. (5) Annual Estimated Number of Respondents: 100; (6) Annual Estimated Number of Total Responses: 100; (7) Annual Estimated Number of Burden Hours: 25 Hours; (8) Annual Estimated Reporting and Recordkeeping Cost Burden: $45,000.

Statutory Authority: DOE Org Act (42 U.S.C. 7373).

Issued in Washington, DC, on August 4, 2016.

Becca Jones-Albertus,

Director, Office Director, Solar Energy Technologies Office.

[FR Doc. 2016–18991 Filed 8–9–16; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

Filings Instituting Proceedings

Docket Numbers: RP16–1155–000.
Applicants: Gulf South Pipeline Company, LP.
Description: Section 4(d) Rate Filing: Remove Terminated NC Agmt from Tariff (Mercuria 1651) and Expired Neg Rate Agmt to be effective 8/1/2016.
Filed Date: 8/2/16.
Accession Number: 20160802–5053.
Comments Due: 5 p.m. ET 8/15/16.

Docket Numbers: RP16–1156–000.
Applicants: Transcontinental Gas Pipe Line Company.
Description: Compliance filing Report of Refund Transco's GSS LSS Customer Share of DTI Penalty Revenue 2016.
Filed Date: 8/2/16.
Accession Number: 20160802–5064.
Comments Due: 5 p.m. ET 8/15/16.

Docket Numbers: RP16–1157–000.

Applicants: Dauphin Island Gathering Partners.

Description: Section 4(d) Rate Filing: Negotiated Rate Filing 8–2–16 to be effective 9/1/2016.

Filed Date: 8/2/16.

Accession Number: 20160802–5123.

Comments Due: 5 p.m. ET 8/15/16.

Docket Numbers: RP16–1158–000.

Applicants: Gulf Crossing Pipeline Company LLC.

Description: Section 4(d) Rate Filing: Amendment to Neg Rate Agmt (Devon 10–16) to be effective 8/3/2016.

Filed Date: 8/3/16.

Accession Number: 20160803–5039.

Comments Due: 5 p.m. ET 8/15/16.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: August 3, 2016.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2016–18888 Filed 8–9–16; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER16–2227–000]

Kelly Creek Wind, LLC; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

This is a supplemental notice in the above-referenced proceeding of Kelly Creek Wind, LLC's application for market-based rate authority, with an accompanying rate tariff, noting that such application includes a request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability, is August 22, 2016.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov.* To facilitate electronic service, persons with Internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically should submit an original and 5 copies of the intervention or protest to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

The filings in the above-referenced proceeding are accessible in the Commission's eLibrary system by clicking on the appropriate link in the above list. They are also available for electronic review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the Web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov,* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: August 2, 2016.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2016–18884 Filed 8–9–16; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER16–2234–000]

EF Kenilworth LLC; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

This is a supplemental notice in the above-referenced proceeding of EF Kenilworth LLC's application for market-based rate authority, with an accompanying rate tariff, noting that such application includes a request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability, is August 22, 2016.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov.* To facilitate electronic service, persons with Internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically should submit an original and 5 copies of the intervention or protest to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

The filings in the above-referenced proceeding are accessible in the Commission's eLibrary system by clicking on the appropriate link in the above list. They are also available for electronic review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the Web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email

FERCOnlineSupport@ferc.gov. or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: August 2, 2016.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2016–18885 Filed 8–9–16; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following electric corporate filings:

Docket Numbers: EC16–149–000.
Applicants: San Diego Gas & Electric Company.
Description: Supplement to July 13, 2016 Application for Authorization of Transaction Pursuant to Section 203 of the Federal Power Act of San Diego Gas & Electric Company.
Filed Date: 8/2/16.
Accession Number: 20160802–5155.
Comments Due: 5 p.m. ET 8/23/16.

Docket Numbers: EC16–162–000.
Applicants: Aspirity Energy, LLC.
Description: Application for Authorization under Section 203 of the Federal Power Act and Requests for Expedited Consideration and Confidential Treatment of Aspirity Energy, LLC.
Filed Date: 8/2/16.
Accession Number: 20160802–5152.
Comments Due: 5 p.m. ET 8/23/16.

Take notice that the Commission received the following exempt wholesale generator filings:

Docket Numbers: EG16–131–000.
Applicants: Patua Acquisition Company, LLC.
Description: Notice of Self-Certification of Exempt Wholesale Generator Status of Patua Acquisition Company, LLC.
Filed Date: 8/2/16.
Accession Number: 20160802–5124.
Comments Due: 5 p.m. ET 8/23/16.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER16–277–005.
Applicants: Talen Energy Marketing, LLC.
Description: Compliance filing: Administratively Cancel Tariff Record ID to be effective 12/1/2016.
Filed Date: 7/18/16.
Accession Number: 20160718–5135.
Comments Due: 5 p.m. ET 8/8/16.

Docket Numbers: ER16–1793–002.
Applicants: Midcontinent Independent System Operator, Inc.
Description: Tariff Amendment: 2016–08–03_CMP Baseline—Attachment LL 2nd Amendment to be effective 7/25/2016.
Filed Date: 8/3/16.
Accession Number: 20160803–5121.
Comments Due: 5 p.m. ET 8/10/16.

Docket Numbers: ER16–1794–002.
Applicants: Midcontinent Independent System Operator, Inc.
Description: Tariff Amendment: 2016–08–03_CMP Baseline—RS 8 MISO-Manitoba Hydro SOA 2nd Amendment to be effective 7/25/2016.
Filed Date: 8/3/16.
Accession Number: 20160803–5129.
Comments Due: 5 p.m. ET 8/10/16.

Docket Numbers: ER16–1795–002.
Applicants: Midcontinent Independent System Operator, Inc.
Description: Tariff Amendment: 2016–08–03_CMP Baseline—RS 46 Minnkota-MISO Coor Opr Agreement 2nd Amendment to be effective 7/25/2016.
Filed Date: 8/3/16.
Accession Number: 20160803–5128.
Comments Due: 5 p.m. ET 8/10/16.

Docket Numbers: ER16–1797–002.
Applicants: Midcontinent Independent System Operator, Inc.
Description: Tariff Amendment: 2016–08–03_CMP Baseline—MISO–SPP JOA 2nd Amendment to be effective 7/25/2016.
Filed Date: 8/3/16.
Accession Number: 20160803–5126.
Comments Due: 5 p.m. ET 8/10/16.

Docket Numbers: ER16–1798–002.
Applicants: Midcontinent Independent System Operator, Inc.
Description: Tariff Amendment: 2016–08–03_CMP Baseline—MISO–PJM JOA 2nd Amendment to be effective 7/25/2016.
Filed Date: 8/3/16.
Accession Number: 20160803–5123.
Comments Due: 5 p.m. ET 8/10/16.

Docket Numbers: ER16–1878–001.
Applicants: Ringer Hill Wind, LLC.
Description: Tariff Amendment: Supplement to Application for Market-Based Rate Authorization to be effective 9/16/2016.
Filed Date: 8/3/16.
Accession Number: 20160803–5083.
Comments Due: 5 p.m. ET 8/24/16.

Docket Numbers: ER16–2225–000.
Applicants: Midcontinent Independent System Operator, Inc.
Description: Report Filing: 2016–07–29 RSG Rhg Supplement Filing to be effective N/A.
Filed Date: 7/29/16.
Accession Number: 20160729–5045.
Comments Due: 5 p.m. ET 8/19/16.

Docket Numbers: ER16–2365–000.
Applicants: All Dams Generation, LLC.
Description: Section 205(d) Rate Filing: Reactive Power Tariff to be effective 10/1/2016.
Filed Date: 8/2/16.
Accession Number: 20160802–5126.
Comments Due: 5 p.m. ET 8/23/16.

Docket Numbers: ER16–2366–000.
Applicants: Mahoning Creek Hydroelectric Company, LLC.
Description: Baseline eTariff Filing: Reactive Power Tariff Application to be effective 10/1/2016.
Filed Date: 8/2/16.
Accession Number: 20160802–5128.
Comments Due: 5 p.m. ET 8/23/16.

Docket Numbers: ER16–2367–000.
Applicants: Midcontinent Independent System Operator, Inc.
Description: Section 205(d) Rate Filing: 2016–08–03_SA 2932 ATC—Wisconsin Power and Light Umbrella GIA to be effective 8/4/2016.
Filed Date: 8/3/16.
Accession Number: 20160803–5059.
Comments Due: 5 p.m. ET 8/24/16.

Docket Numbers: ER16–2368–000.
Applicants: New Creek Wind LLC.
Description: Baseline eTariff Filing: New Creek Wind LLC to be effective 10/1/2016.
Filed Date: 8/3/16.
Accession Number: 20160803–5130.
Comments Due: 5 p.m. ET 8/24/16.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: August 3, 2016.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2016–18886 Filed 8–9–16; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER16–2307–000]

Vista Energy Marketing, L.P.; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

This is a supplemental notice in the above-referenced proceeding of Vista Energy Marketing, L.P.'s application for market-based rate authority, with an accompanying rate tariff, noting that such application includes a request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability, is August 22, 2016.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov.* To facilitate electronic service, persons with Internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically should submit an original and 5 copies of the intervention or protest to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

The filings in the above-referenced proceeding are accessible in the Commission's eLibrary system by clicking on the appropriate link in the above list. They are also available for electronic review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the Web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov.* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: August 2, 2016.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2016–18890 Filed 8–9–16; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following electric corporate filings:

Docket Numbers: EC16–160–000.
Applicants: Virginia Electric and Power Company.
Description: Application for Authorization under Section 203 of the Federal Power Act and Requests for Waivers, Shortened Comment Period and Expedited Consideration of Virginia Electric and Power Company.
Filed Date: 8/1/16.
Accession Number: 20160801–5227.
Comments Due: 5 p.m. ET 8/22/16.

Docket Numbers: EC16–161–000.
Applicants: R. R. Donnelley & Sons Company, LSC Communications US, LLC.
Description: Application for authorization under Section 203 of the Federal Power Act and request for waivers and expedited action of R.R. Donnelley & Sons Company.
Filed Date: 8/1/16.
Accession Number: 20160801–5239.
Comments Due: 5 p.m. ET 8/22/16.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER16–2306–001.
Applicants: Southern California Edison Company.
Description: Tariff Amendment: SCE Resubmits Revised Appendix 6.2 to WDAT GIP to be effective 7/29/2016.
Filed Date: 8/2/16.
Accession Number: 20160802–5000.
Comments Due: 5 p.m. ET 8/23/16.

Docket Numbers: ER16–2358–000.
Applicants: PJM Interconnection, L.L.C.
Description: Section 205(d) Rate Filing: Original WMPA SA No. 4505, Queue No. Z2–097 to be effective 7/13/2016.
Filed Date: 8/2/16.
Accession Number: 20160802–5046.
Comments Due: 5 p.m. ET 8/23/16.

Docket Numbers: ER16–2359–000.
Applicants: PJM Interconnection, L.L.C.
Description: Section 205(d) Rate Filing: Amendment to First Revised WMPA SA No. 4184, Queue No. Z2–106 to be effective 12/9/2015.
Filed Date: 8/2/16.
Accession Number: 20160802–5075.
Comments Due: 5 p.m. ET 8/23/16.

Docket Numbers: ER16–2360–000.
Applicants: Great Western Wind Energy, LLC.
Description: Baseline eTariff Filing: Great Western Wind Energy Initial MBR Application and Notice Waiver Request to be effective 10/1/2016.
Filed Date: 8/2/16.
Accession Number: 20160802–5080.
Comments Due: 5 p.m. ET 8/23/16.

Docket Numbers: ER16–2361–000.
Applicants: PJM Interconnection, L.L.C.
Description: Section 205(d) Rate Filing: Amendment to Original WMPA SA No. 4259, Queue No. Z1–110 to be effective 7/22/2015.
Filed Date: 8/2/16.
Accession Number: 20160802–5088.
Comments Due: 5 p.m. ET 8/23/16.

Docket Numbers: ER16–2362–000.
Applicants: Public Service Company of Colorado.
Description: Section 205(d) Rate Filing: PSCo-WAPA-Rosedale Const. Agrmt. NOC 378 0.1.0 to be effective 10/3/2016.
Filed Date: 8/2/16.
Accession Number: 20160802–5097.
Comments Due: 5 p.m. ET 8/23/16.

Docket Numbers: ER16–2363–000.
Applicants: Bluestem Wind Energy, LLC.
Description: Baseline eTariff Filing: Bluestem Wind Energy LLC MBR Application to be effective 10/3/2016.
Filed Date: 8/2/16.
Accession Number: 20160802–5100.
Comments Due: 5 p.m. ET 8/23/16.

Docket Numbers: ER16–2364–000.
Applicants: Algonquin SKIC 10 Solar, LLC.
Description: Baseline eTariff Filing: Application for Order Accepting Initial Tariff to be effective 8/15/2016.
Filed Date: 8/2/16.
Accession Number: 20160802–5102.
Comments Due: 5 p.m. ET 8/23/16.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: August 2, 2016.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2016–18880 Filed 8–9–16; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER16–2263–000]

Telysium Energy Marketing, LLC; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

This is a supplemental notice in the above-referenced proceeding of Telysium Energy Marketing, LLC's application for market-based rate authority, with an accompanying rate tariff, noting that such application includes a request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability, is August 22, 2016.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov.* To facilitate electronic service, persons with Internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically should submit an original and 5 copies of the intervention or protest to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

The filings in the above-referenced proceeding are accessible in the Commission's eLibrary system by clicking on the appropriate link in the above list. They are also available for electronic review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the Web site that enables subscribers,to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov.* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: August 2, 2016.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2016–18889 Filed 8–9–16; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

Filings Instituting Proceedings

Docket Number: PR16–63–000.
Applicants: Black Hills Energy Arkansas, Inc.
Description: Tariff filing per 284.123(b)(1) + (g): Application for Approval of New Interruptible Services and Transportation Rates to be effective 7/1/2016; Filing Type: 1300.
Filed Date: 7/25/2016.
Accession Number: 20160725–5199 *http://elibrary.ferc.gov/idmws/doc_info.asp?accession_num=20160415-5222.*
Comments Due: 5 p.m. ET 8/15/16.
284.123(g) Protests Due: 5 p.m. ET 9/23/16.

Docket Number: PR16–59–001.
Applicants: Rocky Mountain Natural Gas LLC.
Description: Tariff filing per 284.123(b)(1),: Amendment to Revised Statement of Operating Conditions to be effective 6/16./2016; Filing Type: 1000.
Filed Date: 7/29/2016.
Accession Number: 201607295138.
Comments/Protests Due: 5 p.m. ET 8/19/16.

Docket Numbers: RP16–1113–000.
Applicants: Questar Overthrust Pipeline Company.
Description: Section 4(d) Rate Filing: Non-Conforming TSA No. 5613 to be effective 8/1/2016.
Filed Date: 7/28/16..
Accession Number: 20160728–5023
Comments Due: 5 p.m. ET 8/9/16.

Docket Numbers: RP16–1114–000.
Applicants: Texas Eastern Transmission, LP.
Description: Section 4(d) Rate Filing: Negotiated Rates—August 2016 Chevron TEAM 2014 Releases to be effective 8/1/2016.
Filed Date: 7/28/16.
Accession Number: 20160728–5025.
Comments Due: 5 p.m. ET 8/9/16.

Docket Numbers: RP16–1115–000.
Applicants: Pine Needle LNG Company, LLC.
Description: Section 4(d) Rate Filing: Clean-Up Filing—July 2016 to be effective 8/29/2016.
Filed Date: 7/28/16.
Accession Number: 20160728–5031.
Comments Due: 5 p.m. ET 8/9/16.

Docket Numbers: RP16–1116–000.
Applicants: Kern River Gas Transmission Company.
Description: Section 4(d) Rate Filing: 2016 Negotiated Rate Agreements to be effective 7/29/2016.
Filed Date: 7/28/16.
Accession Number: 20160728–5036.
Comments Due: 5 p.m. ET 8/9/16.

Docket Numbers: RP16–1117–000.
Applicants: Millennium Pipeline Company, LLC.
Description: Section 4(d) Rate Filing: RAM 2016—Periodic RAM Adjustment to be effective 9/1/2016.
Filed Date: 7/28/16.
Accession Number: 20160728–5046.
Comments Due: 5 p.m. ET 8/9/16.

Docket Numbers: RP16–1118–000.
Applicants: Southern Natural Gas Company, L.L.C.
Description: Section 4(d) Rate Filing: SNG Housekeeping Filing to be effective 8/1/2016.
Filed Date: 7/28/16.
Accession Number: 20160728–5054.
Comments Due: 5 p.m. ET 8/9/16.

Docket Numbers: RP16–1119–000.
Applicants: Equitrans, L.P.
Description: Compliance filing GSS Storage Ratchet and Maximum Storage Balance Update.
Filed Date: 7/28/16.
Accession Number: 20160728–5064.
Comments Due: 5 p.m. ET 8/9/16.

Docket Numbers: RP16–1120–000.
Applicants: Big Sandy Pipeline, LLC.

Description: Section 4(d) Rate Filing: Big Sandy Fuel Filing effective 9–1–2016 to be effective 9/1/2016.

Filed Date: 7/28/16.

Accession Number: 20160728–5089.

Comments Due: 5 p.m. ET 8/9/16.

Docket Numbers: RP16–1121–000.

Applicants: El Paso Natural Gas Company, L.L.C.

Description: Section 4(d) Rate Filing: Negotiated Rate Agreement Update (APS August 2016) to be effective 8/1/2016.

Filed Date: 7/28/16.

Accession Number: 20160728–5097.

Comments Due: 5 p.m. ET 8/9/16.

Docket Numbers: RP16–1122–000.

Applicants: Transcontinental Gas Pipe Line Company,

Description: Section 4(d) Rate Filing: Negotiated Rates—Cherokee AGL—Replacement Shippers—Aug 2016 to be effective 8/1/2016.

Filed Date: 7/29/16.

Accession Number: 20160729–5000.

Comments Due: 5 p.m. ET 8/10/16.

Docket Numbers: RP16–1123–000.

Applicants: Natural Gas Pipeline Company of America.

Description: Section 4(d) Rate Filing: Negotiated Rate Filing-Mercuria Energy America to be effective 8/1/2016.

Filed Date: 7/29/16.

Accession Number: 20160729–5001.

Comments Due: 5 p.m. ET 8/10/16.

Docket Numbers: RP16–1124–000.

Applicants: WBI Energy Transmission, Inc.

Description: Section 4(d) Rate Filing: 2016 Negotiated IT Rate Agreement—Oasis to be effective 8/1/2016.

Filed Date: 7/29/16.

Accession Number: 20160729–5050.

Comments Due: 5 p.m. ET 8/10/16.

Docket Numbers: RP16–1125–000.

Applicants: Wyoming Interstate Company, L.L.C.

Description: Section 4(d) Rate Filing: Fuel and L&U Filing to be effective 9/1/2016.

Filed Date: 7/29/16.

Accession Number: 20160729–5077.

Comments Due: 5 p.m. ET 8/10/16.

Docket Numbers: RP16–1126–000.

Applicants: Iroquois Gas Transmission System, L.P.

Description: Section 4(d) Rate Filing: 07/29/16. Negotiated Rates—Mercuria Energy America, Inc.(RTS) 7540–02,-06,-07 to be effective 8/1/2016.

Filed Date: 7/29/16.

Accession Number: 20160729–5079.

Comments Due: 5 p.m. ET 8/10/16.

Docket Numbers: RP16–1127–000.

Applicants: Gulf South Pipeline Company, LP.

Description: Section 4(d) Rate Filing: Cap Rel Neg Rate Agmt (Sempra 46193 to Sempra 46777) to be effective 8/1/2016.

Filed Date: 7/29/16.

Accession Number: 20160729–5080.

Comments Due: 5 p.m. ET 8/10/16.

Docket Numbers: RP16–1128–000.

Applicants: Gulf South Pipeline Company, LP.

Description: Section 4(d) Rate Filing: Cap Rel Neg Rate Agmt (BG 41007 to Shell 46814) to be effective 8/1/2016.

Filed Date: 7/29/16.

Accession Number: 20160729–5082.

Comments Due: 5 p.m. ET 8/10/16.

Docket Numbers: RP16–1129–000.

Applicants: Gulf South Pipeline Company, LP.

Description: Section 4(d) Rate Filing: Cap Rel Neg Rate Agmts (Encana 37663 to Texla 46816, ConocoPhillips 46830)) to be effective 6/6/2016.

Filed Date: 7/29/16.

Accession Number: 20160729–5083.

Comments Due: 5 p.m. ET 8/10/16.

Docket Numbers: RP16–1130–000.

Applicants: Gulf South Pipeline Company, LP.

Description: Section 4(d) Rate Filing: Amendment to Neg Rate Agmt (QEP 36601–58) to be effective 8/1/2016.

Filed Date: 7/29/16.

Accession Number: 20160729–5084.

Comments Due: 5 p.m. ET 8/10/16.

Docket Numbers: RP16–1131–000.

Applicants: Gulf South Pipeline Company, LP.

Description: Section 4(d) Rate Filing: Neg Rate Agmt (Shell 46809) to be effective 8/1/2016.

Filed Date: 7/29/16.

Accession Number: 20160729–5085.

Comments Due: 5 p.m. ET 8/10/16.

Docket Numbers: RP16–1132–000.

Applicants: Elba Express Company, L.L.C.

Description: Section 4(d) Rate Filing: EEC Housekeeping Filing to be effective 8/1/2016.

Filed Date: 7/29/16.

Accession Number: 20160729–5097.

Comments Due: 5 p.m. ET 8/10/16.

Docket Numbers: RP16–1133–000.

Applicants: MoGas Pipeline LLC.

Description: Penalty Revenue Crediting Report of MoGas Pipeline LLC.

Filed Date: 7/29/16.

Accession Number: 20160729–5098.

Comments Due: 5 p.m. ET 8/10/16.

Docket Numbers: RP16–1134–000.

Applicants: Texas Eastern Transmission, LP.

Description: Compliance filing Gulf Markets Compliance Filing—Docket No. CP15–90–000 to be effective 10/1/2016.

Filed Date: 7/29/16.

Accession Number: 20160729–5229.

Comments Due: 5 p.m. ET 8/10/16.

Docket Numbers: RP16–1135–000.

Applicants: Great Lakes Gas Transmission Limited Par.

Description: Great Lakes Gas Transmission submits its Semi-Annual Transporter's Use Report.

Filed Date: 7/29/16.

Accession Number: 20160729–5273.

Comments Due: 5 p.m. ET 8/10/16.

Docket Numbers: RP16–1136–000.

Applicants: Bluewater Gas Storage, LLC.

Description: Section 4(d) Rate Filing: Bluewater Gas Storage, LLC—Proposed Revisions to FERC Gas Tariff to be effective 8/31/2016.

Filed Date: 8/1/16.

Accession Number: 20160801–5065.

Comments Due: 5 p.m. ET 8/15/16.

Docket Numbers: RP16–1137–000.

Applicants: Tuscarora Gas Transmission Company.

Description: Compliance filing Compliance to RP16–299—Settlement Rates to be effective 8/1/2016.

Filed Date: 8/1/16.

Accession Number: 20160801–5070.

Comments Due: 5 p.m. ET 8/15/16.

Docket Numbers: RP16–1138–000.

Applicants: Algonquin Gas Transmission, LLC.

Description: Section 4(d) Rate Filing: Negotiated Rates—BBPC Release to EDF contract 791902 to be effective 8/1/2016.

Filed Date: 8/1/16.

Accession Number: 20160801–5092.

Comments Due: 5 p.m. ET 8/15/16.

Docket Numbers: RP16–1139–000.

Applicants: Boardwalk Storage Company, LLC.

Description: Tariff Cancellation: Cancellation of Second Revised Volume No. 1 to be effective 9/1/2016.

Filed Date: 8/1/16.

Accession Number: 20160801–5098.

Comments Due: 5 p.m. ET 8/15/16.

Docket Numbers: RP16–1140–000.

Applicants: Natural Gas Pipeline Company of America.

Description: Section 4(d) Rate Filing: Shell Negotiated Rate to be effective 8/1/2016.

Filed Date: 8/1/16.

Accession Number: 20160801–5100.

Comments Due: 5 p.m. ET 8/15/16.

Docket Numbers: RP16–1141–000.

Applicants: Algonquin Gas Transmission, LLC.

Description: Section 4(d) Rate Filing: Negotiated Rates—BBPC Release to EDF contract 791914 to be effective 8/1/2016.

Filed Date: 8/1/16.

Accession Number: 20160801–5101.

Comments Due: 5 p.m. ET 8/15/16.

Docket Numbers: RP16–1142–000.

Applicants: Boardwalk Storage Company, LLC.

Description: Section 4(d) Rate Filing: Tariff Reorganization—Submission of Third Revised Volume No. 1 to be effective 9/1/2016.

Filed Date: 8/1/16.

Accession Number: 20160801–5103.

Comments Due: 5 p.m. ET 8/15/16.

Docket Numbers: RP16–1143–000.

Applicants: Gulf South Pipeline Company, LP.

Description: Section 4(d) Rate Filing: Cap Rel Neg Rate Agmts (Atlanta 8438 to various eff 8–1–16) to be effective 8/1/2016.

Filed Date: 8/1/16.

Accession Number: 20160801–5104.

Comments Due: 5 p.m. ET 8/15/16.

Docket Numbers: RP16–1144–000.

Applicants: Gulf South Pipeline Company, LP.

Description: Section 4(d) Rate Filing: Cap Rel Neg Rate Agmt (PH 41455 to Texla 46867) to be effective 8/1/2016.

Filed Date: 8/1/16.

Accession Number: 20160801–5106.

Comments Due: 5 p.m. ET 8/15/16.

Docket Numbers: RP16–1145–000.

Applicants: Algonquin Gas Transmission, LLC.

Description: Section 4(d) Rate Filing: Negotiated Rates—BUG Release to Aggressive contract 791861 to be effective 8/1/2016.

Filed Date: 8/1/16.

Accession Number: 20160801–5109.

Comments Due: 5 p.m. ET 8/15/16.

Docket Numbers: RP16–1146–000.

Applicants: Algonquin Gas Transmission, LLC.

Description: Section 4(d) Rate Filing: Negotiated Rates—BUG Release to Browns contract 791913 to be effective 8/1/2016.

Filed Date: 8/1/16.

Accession Number: 20160801–5114.

Comments Due: 5 p.m. ET 8/15/16.

Docket Numbers: RP16–1147–000.

Applicants: Algonquin Gas Transmission, LLC.

Description: Section 4(d) Rate Filing: Negotiated Rates—Con Ed Release to Enhanced Energy contract 791915 to be effective 8/1/2016.

Filed Date: 8/1/16.

Accession Number: 20160801–5117.

Comments Due: 5 p.m. ET 8/15/16.

Docket Numbers: RP16–1148–000.

Applicants: Algonquin Gas Transmission, LLC.

Description: Section 4(d) Rate Filing: Negotiated Rates—ConEd Release to Aggressive contract 791859 to be effective 8/1/2016.

Filed Date: 8/1/16.

Accession Number: 20160801–5121.

Comments Due: 5 p.m. ET 8/15/16.

Docket Numbers: RP16–1149–000.

Applicants: Equitrans, L.P.

Description: Section 4(d) Rate Filing: Negotiated Capacity Release Agreements—8/1/2016 to be effective 8/1/2016.

Filed Date: 8/1/16.

Accession Number: 20160801–5124.

Comments Due: 5 p.m. ET 8/15/16.

Docket Numbers: RP16–1150–000.

Applicants: Algonquin Gas Transmission, LLC.

Description: Section 4(d) Rate Filing: Negotiated Rates—KeySpan Release to Aggressive contract 791860 to be effective 8/1/2016.

Filed Date: 8/1/16.

Accession Number: 20160801–5126.

Comments Due: 5 p.m. ET 8/15/16.

Docket Numbers: RP16–1151–000.

Applicants: Algonquin Gas Transmission, LLC.

Description: Section 4(d) Rate Filing: Negotiated Rates—Keyspan Release to Brown's contract 791912 to be effective 8/1/2016.

Filed Date: 8/1/16.

Accession Number: 20160801–5136.

Comments Due: 5 p.m. ET 8/15/16.

Docket Numbers: RP16–1152–000.

Applicants: Algonquin Gas Transmission, LLC.

Description: Section 4(d) Rate Filing: Negotiated Rates—RATIO ENERGY contract 791920 to be effective 8/1/2016.

Filed Date: 8/1/16.

Accession Number: 20160801–5140.

Comments Due: 5 p.m. ET 8/15/16.

Docket Numbers: RP16–1153–000.

Applicants: Texas Gas Transmission, LLC.

Description: Section 4(d) Rate Filing: Superseding Non-conforming Agmt (Mercuria 34366) to be effective 8/1/2016.

Filed Date: 8/1/16.

Accession Number: 20160801–5163.

Comments Due: 5 p.m. ET 8/15/16.

Docket Numbers: RP16–1154–000.

Applicants: Enable Mississippi River Transmission, L.

Description: Section 4(d) Rate Filing: Negotiated Rate Filing to Amend WRB #3808 8_1_16 to be effective 8/1/2016.

Filed Date: 8/1/16.

Accession Number: 20160801–5199.

Comments Due: 5 p.m. ET 8/15/16.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified date(s). Protests may be considered, but intervention is necessary to become a party to the proceeding.

Filings in Existing Proceedings

Docket Numbers: RP16–440–000.

Applicants: ANR Pipeline Company.

Description: Motion Filing: Motion to Place in Effect RP16–440–000 to be effective 8/1/2016.

Filed Date: 7/29/16.

Accession Number: 20160729–5092.

Comments Due: 5 p.m. ET 8/10/16.

Docket Numbers: RP16–440–004.

Applicants: ANR Pipeline Company.

Description: Compliance filing Compliance to RP16–440–000 to be effective 8/1/2016.

Filed Date: 7/29/16.

Accession Number: 20160729–5096.

Comments Due: 5 p.m. ET 8/10/16.

Docket Numbers: RP16–748–002.

Applicants: Gulf Shore Energy Partners, LP.

Description: Compliance filing Gulfshore Amendment Filing. to be effective 7/29/2016.

Filed Date: 7/29/16.

Accession Number: 20160729–5133.

Comments Due: 5 p.m. ET 8/10/16.

Any person desiring to protest in any of the above proceedings must file in accordance with Rule 211 of the Commission's Regulations (18 CFR 385.211) on or before 5:00 p.m. Eastern time on the specified comment date.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: August 2, 2016.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2016–18887 Filed 8–9–16; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER16–2360–000]

Great Western Wind Energy, LLC; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

This is a supplemental notice in the above-referenced proceeding of Great Western Wind Energy, LLC's application for market-based rate authority, with an accompanying rate tariff, noting that such application includes a request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability, is August 23, 2016.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov.* To facilitate electronic service, persons with Internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically should submit an original and 5 copies of the intervention or protest to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

The filings in the above-referenced proceeding are accessible in the Commission's eLibrary system by clicking on the appropriate link in the above list. They are also available for electronic review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the Web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov.* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: August 3, 2016.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2016–18891 Filed 8–9–16; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER16–2226–000]

McHenry Battery Storage, LLC; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

This is a supplemental notice in the above-referenced proceeding of McHenry Battery Storage, LLC's application for market-based rate authority, with an accompanying rate tariff, noting that such application includes a request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability, is August 22, 2016.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov.* To facilitate electronic service, persons with Internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically should submit an original and 5 copies of the intervention or protest to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

The filings in the above-referenced proceeding are accessible in the Commission's eLibrary system by clicking on the appropriate link in the above list. They are also available for electronic review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the Web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov.* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: August 2, 2016.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2016–18883 Filed 8–9–16; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER16–2224–000]

Solverde 1, LLC; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

This is a supplemental notice in the above-referenced proceeding of Solverde 1, LLC's application for market-based rate authority, with an accompanying rate tariff, noting that such application includes a request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability, is August 22, 2016.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov.* To facilitate electronic service, persons with Internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically should submit an original and 5 copies of the intervention or protest to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

The filings in the above-referenced proceeding are accessible in the Commission's eLibrary system by clicking on the appropriate link in the above list. They are also available for electronic review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the Web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov.* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: August 2, 2016.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2016–18882 Filed 8–9–16; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER16–2364–000]

Algonquin SKIC 10 Solar, LLC; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

This is a supplemental notice in the above-referenced proceeding of Algonquin SKIC 10 Solar, LLC's application for market-based rate authority, with an accompanying rate tariff, noting that such application includes a request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability, is August 23, 2016.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov.* To facilitate electronic service, persons with Internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically should submit an original and 5 copies of the intervention or protest to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

The filings in the above-referenced proceeding are accessible in the Commission's eLibrary system by clicking on the appropriate link in the above list. They are also available for electronic review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the Web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: August 3, 2016.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2016–18893 Filed 8–9–16; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER16–2363–000]

Bluestem Wind Energy, LLC; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

This is a supplemental notice in the above-referenced proceeding of Bluestem Wind Energy, LLC's application for market-based rate authority, with an accompanying rate tariff, noting that such application includes a request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability, is August 23, 2016.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov.* To facilitate electronic service, persons with Internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically should submit an original and 5 copies of the intervention or protest to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

The filings in the above-referenced proceeding are accessible in the Commission's eLibrary system by clicking on the appropriate link in the above list. They are also available for electronic review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the Web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: August 3, 2016.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2016–18892 Filed 8–9–16; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[Regional Docket Nos. V–2015–2, FRL–9950–53–Region 5]

Clean Air Act Operating Permit Program; Action on Petition for Objection to State Operating Permit for Waupaca Foundry Plant 1

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of final Order on petition to object to Clean Air Act Title V operating permit.

SUMMARY: This document announces that the Environmental Protection Agency (EPA) Administrator has denied

a petition from Philip Nolan asking EPA to object to a Title V operating permit issued by the Wisconsin Department of Natural Resources (WDNR) to Waupaca Foundry Plant 1 (Waupaca). Sections 307(b) and 505(b)(2) of the Clean Air Act (Act) provide that a petitioner may ask for judicial review of those portions of the petition that EPA denies in the United States Court of Appeals for the appropriate circuit. Any petition for review shall be filed within 60 days from the date this notice appears in the **Federal Register**, pursuant to section 307 of the Act.

ADDRESSES: You may review copies of the final Order, the petition, and other supporting information at the EPA Region 5 Office, 77 West Jackson Boulevard, Chicago, Illinois 60604. If you wish to examine these documents, you should make an appointment at least 24 hours before the day you would like to visit. Additionally, the final Order for the Waupaca petition is available electronically at: *https://www.epa.gov/title-v-operating-permits/title-v-petition-database.*

FOR FURTHER INFORMATION CONTACT: Genevieve Damico, Chief, Air Permits Section, Air Programs Branch, Air and Radiation Division, EPA, Region 5, 77 West Jackson Boulevard AR–18J, Chicago, Illinois 60604, telephone (312) 353–4761.

SUPPLEMENTARY INFORMATION: The Act affords EPA a 45-day period to review and object, as appropriate, to Title V operating permits proposed by state permitting authorities. Section 505(b)(2) of the Act authorizes any person to petition the EPA Administrator within 60 days after the expiration of the EPA review period to object to a Title V operating permit if EPA has not done so. A petition must be based only on objections to the permit that were raised with reasonable specificity during the public comment period provided by the state, unless the petitioner demonstrates that it was impracticable to raise issues during the comment period, or the grounds for the issues arose after this period.

On July 1, 2015, EPA received a petition from Philip Nolan (Petitioner) requesting that EPA object to the Title V operating permit for Waupaca. The Petitioner alleged that the permit is not in compliance with the requirements of the Act. Specifically, the Petitioner alleged that: (1) The permit does not limit Hazardous Air Pollutant emissions to a concentration of 4.59 µg/m^3, (2) the permit does not comply with Section 112 of the Act and the National Emission Standard for Hazardous Air Pollutants for the iron and steel foundry industry, (3) the EPA should conduct a residual risk and technology review, (4) the permit limits are insufficient to protect public health, (5) the modeling procedures used to determine public health risk were not correct, and (6) additional emissions control technology should be used.

On July 14, 2016, the Administrator issued an Order denying the petition. The Order explains the reasons behind EPA's conclusion.

Dated: August 1, 2016.

Robert A. Kaplan,

Acting Regional Administrator, Region 5.

[FR Doc. 2016–19027 Filed 8–9–16; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–9950–56–Region 1]

Notice of Availability of Draft NPDES General Permits for Discharges From Potable Water Treatment Facilities in Massachusetts and New Hampshire: The Potable Water Treatment Facility General Permit

AGENCY: Environmental Protection Agency.

ACTION: Notice of availability of draft NPDES general permits MAG640000 and NHG640000.

SUMMARY: The Director of the Office of Ecosystem Protection, U.S. Environmental Protection Agency—Region 1 (EPA), is providing a notice of availability of the draft National Pollutant Discharge Elimination System (NPDES) General Permits (GP) for discharges from potable water treatment facilities (PWTF) to certain waters of the Commonwealth of Massachusetts and the State of New Hampshire. The draft General Permits establish Notice of Intent (NOI) requirements, effluent limitations, standard and special conditions, prohibitions, and best management practices (BMPs) for sites with discharges from potable water treatment facilities. These General Permits replace the previous PWTF GP that expired on October 2, 2014.

DATES: Comments on the draft General Permits must be received on or before September 9, 2016.

ADDRESSES: Written comments on the draft General Permits may be mailed to U.S. EPA Region 1, Office of Ecosystem Protection, Attn: Glenda Velez, 5 Post Office Square, Suite 100, Mail Code: OEP06–1, Boston, Massachusetts 02109–3912, or sent via email to *velez.glenda@epa.gov.* No facsimiles (faxes) will be accepted.

The draft PWTF GP is based on an administrative record available for public review at EPA–Region 1, Office of Ecosystem Protection, 5 Post Office Square, Suite 100, Boston, Massachusetts 02109–3912. A reasonable fee may be charged for copying requests. The fact sheet for the draft PWTF GP sets forth principal facts and the significant factual, legal, methodological and policy questions considered in the development of the draft General Permit and is available upon request.

FOR FURTHER INFORMATION CONTACT: Additional information concerning the draft General Permits may be obtained between the hours of 9 a.m. and 5 p.m. Monday through Friday, excluding holidays, from Glenda Velez, U.S. EPA Region 1, 5 Post Office Square, Suite 100, Mail Code OEP06–1, Boston, MA 02109–3912; telephone: 617–918–1677; email: *velez.glenda@epa.gov.*

SUPPLEMENTARY INFORMATION:

Public Comment Information: Interested persons may submit written comments on the draft General Permits to the EPA-Region I at the address listed above. Within the comment period, interested persons may also request, in writing, that EPA hold a public hearing pursuant to 40 CFR 124.12, concerning the draft General Permits. Such requests shall state the nature of the issues proposed to be raised at the hearing. A public hearing may be held at least thirty days after public notice whenever the Regional Administrator finds that response to this notice indicates significant public interest. In reaching a final decision on this draft permit, the Regional Administrator will respond to all significant comments and make responses available to the public at EPA's Boston office. All comments and requests for public hearings must be postmarked or delivered by the close of the public comment period.

General Information: EPA is proposing to reissue two general permits for wastewater discharges from potable water treatment facilities in Massachusetts and New Hampshire, that are generally less than or equal to 1.0 million gallons per day (MGD) and that use one or more of the following treatment processes: Clarification, Coagulation, Media Filtration, Membrane filtration (not including reverse osmosis), and Disinfection. While the draft General Permits are two distinct permits, for convenience, EPA has grouped them together in a single document and has provided a single fact sheet. This document refers to the draft General "Permit" in the singular. The draft General Permit, fact sheet, and appendices are available at: *http://www.epa.gov/region1/npdes/pwtfgp.html.*

The draft general permit includes effluent limitations and requirements based on technology-based considerations, best professional judgment (BPJ), and water quality considerations. The effluent limits established in the draft General Permit assure that the surface water quality standards of the receiving water(s) are attained and/or maintained. The permit also contains BMP requirements in order to ensure EPA has the information necessary to ensure compliance and to ensure discharges meet water quality standards.

Obtaining Authorization: In order to obtain authorization to discharge, operators must submit a complete and accurate NOI containing the information in Appendix IV of the draft General Permit. Facilities currently authorized to discharge under the Expired PWTF GP must submit a NOI within 90 days of the effective date of the final General Permit. Operators with new discharges must submit a NOI at least 60 days prior to initiating discharges and following the effective date of the final General Permit. Facilities with existing discharges that were not authorized under the Expired PWTF GP *and* which use aluminum in their treatment process must conduct more extensive water quality sampling data and submit this information with the NOI within 6 months of the effective date of the final General Permit.

Operators must meet the eligibility requirements of the General Permit prior to submission of a NOI. An operator will be authorized to discharge under the General Permit upon receipt of written notice from EPA following EPA's web posting of the submitted NOI. EPA will authorize the discharge, request additional information, or require the operator to apply for an alternative permit or an individual permit. The effective date of the final General Permit will be specified in the **Federal Register** publication of the Notice of Availability of the final permit.

Other Legal Requirements: Endangered Species Act (ESA): EPA has updated the provisions and necessary actions and documentation related to potential impacts to endangered species from facilities seeking coverage under the PWTF GP. EPA has requested concurrence from the appropriate federal services (U.S. Fish and Wildlife Service and National Marine Fisheries Service) in connection with this draft General Permit.

National Historic Preservation Act (NHPA): In accordance with NHPA, EPA has established provisions and documentation requirements for sites seeking coverage under the PWTF GP to ensure that discharges or actions taken under this General Permit will not adversely affect historic properties and places.

Authority: This action is being taken under the Clean Water Act, 33 U.S.C. 1251 *et seq.*

Dated: August 1, 2016.

H. Curtis Spalding,

Regional Administrator, Region 1.

[FR Doc. 2016–19028 Filed 8–9–16; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPP–2016–0445; FRL–9950–09]

Summitec Corporation, Versar, Inc., and CDM/CSS-Dynamac Joint Venture; Transfer of Data

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces that pesticide related information submitted to EPA's Office of Pesticide Programs (OPP) pursuant to the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) and the Federal Food, Drug, and Cosmetic Act (FFDCA), including information that may have been claimed as Confidential Business Information (CBI) by the submitter, will be transferred to Summitec Corporation and its subcontractors, Versar, Inc., and CDM/CSS-Dynamac Joint Venture in accordance with the CBI regulations. Summitec Corporation and its subcontractors, Versar, Inc., and CDM/CSS-Dynamac Joint Venture have been awarded a contract to perform work for OPP, and access to this information will enable Summitec Corporation and its subcontractors Versar, Inc., and CDM/CSS-Dynamac Joint Venture to fulfill the obligations of the contract.

DATES: Summitec Corporation and its subcontractors Versar, Inc., and CDM/CSS-Dynamac Joint Venture will be given access to this information on or before August 15, 2016.

FOR FURTHER INFORMATION CONTACT: Mario Steadman, Information Technology and Resources Management Division (7502P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001; telephone number: (703) 305–8338, email: *steadman.mario@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

This action applies to the public in general. As such, the Agency has not attempted to describe all the specific entities that may be affected by this action.

B. How can I get copies of this document and other related information?

The docket for this action, identified by docket identification (ID) number EPA–HQ–OPP–2016–0445, is available at *http://www.regulations.gov* or at the Office of Pesticide Programs Regulatory Public Docket (OPP Docket) in the Environmental Protection Agency Docket Center (EPA/DC), West William Jefferson Clinton Bldg., Rm. 3334, 1301 Constitution Ave. NW., Washington, DC 20460–0001. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the OPP Docket is (703) 305–5805. Please review the visitor instructions and additional information about the docket available at *http://www.epa.gov/dockets.*

II. Contractor Requirements

Under Contract No. EP–W–16–019, Summitec Corporation and its subcontractors, Versar, Inc., and CDM/CSS-Dynamac Joint Venture, will perform critical reviews of EPA designated studies submitted by the registrants and/or from the open literature. These reviews will be provided to the contract officer's representative in data evaluation records or other similar study data evaluation records or systems, as applicable. A template of the data evaluation records format provided to the contractor will be followed in the preparation of data evaluation records. See the data evaluation records templates for test guidelines at *http://www.epa.gov/pesticide-registration/study-profile-templates.* Specific guidance for completing each section is provided in the data evaluation records templates. Each review will encompass all items in the study that contribute to the overall knowledge of the pesticide, and will include the following:

- An evaluation of the accuracy, credibility and scientific validity of that study;
- its suitability for meeting specific data requirements;
- any necessary graphic displays of data, and/or summary tables illustrating results of the study;

- sound scientific rationale for the conclusions reached on specific studies; and
- clarity in data presentation and adherence to the template and overall guidance.

OPP has determined that access by Summitec Corporation and its subcontractors, Versar, Inc., and CDM/CSS-Dynamac Joint Venture to information on all pesticide chemicals is necessary for the performance of this contract. Some of this information may be entitled to confidential treatment. The information has been submitted to EPA under FIFRA sections 3, 4, 6, and 7 and under FFDCA sections 408 and 409.

In accordance with the requirements of 40 CFR 2.307(h)(2) the contract with Summitec Corporation and its subcontractors, Versar, Inc., and CDM/CSS-Dynamac Joint Venture, prohibits use of the information for any purpose not specified in the contract; prohibits disclosure of the information to a third party without prior written approval from the Agency; and requires that each official and employee of the contractor sign an agreement to protect the information from unauthorized release and to handle it in accordance with the *FIFRA Information Security Manual.* In addition, Summitec Corporation and its subcontractors, Versar, Inc., and CDM/CSS-Dynamac Joint Venture are required to submit for EPA approval a security plan under which any CBI will be secured and protected against unauthorized release or compromise. No information will be provided to Summitec Corporation and its subcontractors, Versar, Inc., and CDM/CSS-Dynamac Joint Venture until the requirements in this document have been fully satisfied. Records of information provided to Summitec Corporation and its subcontractors, Versar, Inc., and CDM/CSS-Dynamac Joint Venture will be maintained by EPA project officers for this contract. All information supplied to Summitec Corporation and its subcontractors, Versar, Inc., and CDM/CSS-Dynamac Joint Venture by EPA for use in connection with this contract will be returned to EPA when Summitec Corporation and its subcontractors, Versar, Inc., and CDM/CSS-Dynamac Joint Venture have completed their work.

Authority: 7 U.S.C. 136 *et seq.;* 21 U.S.C. 301 *et seq.*

Dated: August 3, 2016.

Delores Barber,

Acting Director, Information Technology and Resources Management Division, Office of Pesticide Programs.

[FR Doc. 2016–18896 Filed 8–9–16; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL ACCOUNTING STANDARDS ADVISORY BOARD

Notice of Issuance of Statement of Federal Financial Accounting Standards 50

AGENCY: Federal Accounting Standards Advisory Board.

ACTION: Notice.

Board Action: Pursuant to 31 U.S.C. 3511(d), the Federal Advisory Committee Act (Pub. L. 92–463), as amended, and the FASAB Rules Of Procedure, as amended in October 2010, notice is hereby given that the Federal Accounting Standards Advisory Board (FASAB) has issued Statement of Federal Financial Accounting Standards (SFFAS) 50, *Establishing Opening Balances for General Property, Plant, and Equipment: Amending Statement of Federal Financial Accounting Standards (SFFAS) 6, SFFAS 10, SFFAS 23, and Rescinding SFFAS 35.*

The Statement is available on the FASAB Web site at *http://www.fasab.gov/accounting-standards/.* Copies can be obtained by contacting FASAB at (202) 512–7350.

FOR FURTHER INFORMATION CONTACT: Ms. Wendy M. Payne, executive director, 441 G Street NW., Mail Stop 6H19, Washington, DC 20548, or call (202) 512–7350.

Authority: Federal Advisory Committee Act, Public Law 92–463.

Dated: August 4, 2016.

Wendy M. Payne,

Executive Director.

[FR Doc. 2016–18924 Filed 8–9–16; 8:45 am]

BILLING CODE 1610–02–P

FEDERAL FINANCIAL INSTITUTIONS EXAMINATION COUNCIL

[Docket No. FFIEC–2016–0002]

Notice of Availability of Home Mortgage Disclosure Act (HMDA) Filing Instructions Guides for HMDA Data Collected in 2017 and 2018; Correction

AGENCY: Federal Financial Institutions Examination Council (FFIEC).

ACTION: Notice of availability; correction.

SUMMARY: The FFIEC published a notice in the **Federal Register** on July 21, 2016, announcing the availability of the Filing Instructions Guide (FIG) for Home Mortgage Disclosure Act (HMDA) data collected in 2017 and the Filing Instructions Guide for Home Mortgage Disclosure Act data collected in 2018. The FIGs provide a compendium of resources to help covered financial institutions file with the Bureau of Consumer Financial Protection (Bureau) HMDA data collected in 2017 and 2018. This notice corrects the telephone number, listed in the **FOR FURTHER INFORMATION CONTACT** section, from (855) 438–2372 to (202) 435–9888.

FOR FURTHER INFORMATION CONTACT: Michael Byrne, *hmdahelp@cfpb.gov* or (202) 435–9888.

Correction

In the **Federal Register** of July 21, 2016, in FR Doc. 2016–17234, on page 47394, in the first column, remove "(855) 438–2372" and add in its place "(202) 435–9888".

Dated: August 3, 2016.

Federal Financial Institutions Examination Council.

Judith E. Dupre,

FFIEC Executive Secretary.

[FR Doc. 2016–18905 Filed 8–9–16; 8:45 am]

BILLING CODE 7535–01–P 6714–01–P 6210–01–P 4810–33–P 4810–AM–P

FEDERAL MARITIME COMMISSION

Notice of Agreements Filed

The Commission hereby gives notice of the filing of the following agreements under the Shipping Act of 1984. Interested parties may submit comments on the agreements to the Secretary, Federal Maritime Commission, Washington, DC 20573, within twelve days of the date this notice appears in the **Federal Register**. Copies of the agreements are available through the Commission's Web site (*www.fmc.gov*) or by contacting the Office of Agreements at (202)-523–5793 or *tradeanalysis@fmc.gov.*

Agreement No.: 011075–077.

Title: Central America Discussion Agreement.

Parties: Crowley Latin America Services, LLC.; Dole Ocean Cargo Express; Great White Fleet Liner Service Ltd; King Ocean Services Limited; and Seaboard Marine, Ltd.

Filing Party: Wayne R. Rohde, Esq.; Cozen O'Connor; 1200 Nineteenth Street NW., Washington, DC 20036.

Synopsis: The amendment corrects the address of Great White Fleet Liner Service Ltd.

Agreement No.: 012316–001.

Title: CMA CGM/HSDG/UASC/Vessel Sharing Agreement.

Parties: CMA CGM, S.A.; Hamburg Sud; United Arab Shipping Co.

Filing Party: Draughn B. Arbona, Esq; CMA CGM (America) LLC; 5701 Lake Wright Drive; Norfolk, VA 23502.

Synopsis: The amendment reflects the termination of the Far East portion of the Agreement and clarifies terms of the Agreement moving forward. The parties have requested expedited review.

Agreement No.: 012388–001.

Title: Hyundai Glovis/Hoegh Mexico Space Charter Agreement.

Parties: Hoegh Autoliners AS and Hyundai Glovis Co. Ltd.

Filing Party: Wayne Rohde; Cozen O'Connor; 1200 Nineteenth Street NW., Washington, DC 20036.

Synopsis: The amendment clarifies that the scope of the Agreement includes Puerto Rico.

Agreement No.: 012434.

Title: MSC/CMA CGM Kingston-Mobile Space Charter Agreement.

Parties: CMA CGM S.A. and Mediterranean Shiping Company S.A.

Filing Party: Draughn B. Arbona, Esq; CMA CGM (America) LLC; 5701 Lake Wright Drive; Norfolk, VA 23502.

Synopsis: This Agreement provides for MSC to charter space to CMA CGM in the Trade between Kingston, Jamaica and Mobile, Alabama.

By Order of the Federal Maritime Commission.

Dated: August 5, 2016.

Karen V. Gregory,

Secretary.

[FR Doc. 2016–19009 Filed 8–9–16; 8:45 am]

BILLING CODE 6731–AA–P

FEDERAL TRADE COMMISSION

[File No. 152 3229]

Mars Petcare US, Inc.; Analysis of Proposed Consent Order To Aid Public Comment

AGENCY: Federal Trade Commission.

ACTION: Proposed consent agreement.

SUMMARY: The consent agreement in this matter settles alleged violations of federal law prohibiting unfair or deceptive acts or practices. The attached Analysis to Aid Public Comment describes both the allegations in the draft complaint and the terms of the consent order—embodied in the consent agreement—that would settle these allegations.

DATES: Comments must be received on or before September 6, 2016.

ADDRESSES: Interested parties may file a comment at *https://ftcpublic.commentworks.com/ftc/marspetcareconsent* online or on paper, by following the instructions in the Request for Comment part of the **SUPPLEMENTARY INFORMATION** section below. Write "In the Matter of Mars Petcare US, Inc., File No.152–3229—Consent Agreement" on your comment and file your comment online at *https://ftcpublic.commentworks.com/ftc/marspetcareconsent* by following the instructions on the Web-based form. If you prefer to file your comment on paper, write "In the Matter of Mars Petcare US, Inc., File No.152–3229—Consent Agreement" on your comment and on the envelope, and mail your comment to the following address: Federal Trade Commission, Office of the Secretary, 600 Pennsylvania Avenue NW., Suite CC–5610 (Annex D), Washington, DC 20580, or deliver your comment to the following address: Federal Trade Commission, Office of the Secretary, Constitution Center, 400 7th Street SW., 5th Floor, Suite 5610 (Annex D), Washington, DC 20024.

FOR FURTHER INFORMATION CONTACT: David M. Newman, (415–848–5123), FTC Western Region, 901 Market Street, Suite 570, San Francisco, CA 94103.

SUPPLEMENTARY INFORMATION: Pursuant to Section 6(f) of the Federal Trade Commission Act, 15 U.S.C. 46(f), and FTC Rule 2.34, 16 CFR 2.34, notice is hereby given that the above-captioned consent agreement containing consent order to cease and desist, having been filed with and accepted, subject to final approval, by the Commission, has been placed on the public record for a period of thirty (30) days. The following Analysis to Aid Public Comment describes the terms of the consent agreement, and the allegations in the complaint. An electronic copy of the full text of the consent agreement package can be obtained from the FTC Home Page (for August 4, 2016), on the World Wide Web at: *http://www.ftc.gov/os/actions.shtm.*

You can file a comment online or on paper. For the Commission to consider your comment, we must receive it on or before September 6, 2016. Write "In the Matter of Mars Petcare US, Inc., File No.152–3229—Consent Agreement" on your comment. Your comment—including your name and your state—will be placed on the public record of this proceeding, including, to the extent practicable, on the public Commission Web site, at *http://www.ftc.gov/os/publiccomments.shtm.* As a matter of discretion, the Commission tries to remove individuals' home contact information from comments before placing them on the Commission Web site.

Because your comment will be made public, you are solely responsible for making sure that your comment does not include any sensitive personal information, like anyone's Social Security number, date of birth, driver's license number or other state identification number or foreign country equivalent, passport number, financial account number, or credit or debit card number. You are also solely responsible for making sure that your comment does not include any sensitive health information, like medical records or other individually identifiable health information. In addition, do not include any "[t]rade secret or any commercial or financial information which . . . is privileged or confidential," as discussed in Section 6(f) of the FTC Act, 15 U.S.C. 46(f), and FTC Rule 4.10(a)(2), 16 CFR 4.10(a)(2). In particular, do not include competitively sensitive information such as costs, sales statistics, inventories, formulas, patterns, devices, manufacturing processes, or customer names.

If you want the Commission to give your comment confidential treatment, you must file it in paper form, with a request for confidential treatment, and you have to follow the procedure explained in FTC Rule 4.9(c), 16 CFR 4.9(c).[1] Your comment will be kept confidential only if the FTC General Counsel, in his or her sole discretion, grants your request in accordance with the law and the public interest.

Postal mail addressed to the Commission is subject to delay due to heightened security screening. As a result, we encourage you to submit your comments online. To make sure that the Commission considers your online comment, you must file it at *https://ftcpublic.commentworks.com/ftc/marspetcareconsent* by following the instructions on the Web-based form. If this Notice appears at *http://www.regulations.gov/#!home,* you also may file a comment through that Web site.

If you file your comment on paper, write "In the Matter of Mars Petcare US, Inc., File No.152–3229—Consent Agreement" on your comment and on the envelope, and mail your comment to the following address: Federal Trade Commission, Office of the Secretary, 600 Pennsylvania Avenue NW., Suite

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[1] In particular, the written request for confidential treatment that accompanies the comment must include the factual and legal basis for the request, and must identify the specific portions of the comment to be withheld from the public record. *See* FTC Rule 4.9(c), 16 CFR 4.9(c).

CC–5610 (Annex D), Washington, DC 20580, or deliver your comment to the following address: Federal Trade Commission, Office of the Secretary, Constitution Center, 400 7th Street SW., 5th Floor, Suite 5610 (Annex D), Washington, DC 20024. If possible, submit your paper comment to the Commission by courier or overnight service.

Visit the Commission Web site at *http://www.ftc.gov* to read this Notice and the news release describing it. The FTC Act and other laws that the Commission administers permit the collection of public comments to consider and use in this proceeding as appropriate. The Commission will consider all timely and responsive public comments that it receives on or before September 6, 2016. You can find more information, including routine uses permitted by the Privacy Act, in the Commission's privacy policy, at *http://www.ftc.gov/ftc/privacy.htm.*

Analysis of Proposed Consent Order To Aid Public Comment

The Federal Trade Commission ("FTC" or "Commission") has accepted, subject to final approval, an Agreement Containing Consent Order from Mars Petcare US, Inc. ("respondent"). The proposed consent order has been placed on the public record for thirty (30) days for receipt of comments by interested persons. Comments received during this period will become part of the public record. After thirty (30) days, the Commission will again review the agreement and the comments received, and will decide whether it should withdraw from the agreement and take appropriate action or make final the agreement's proposed order.

This matter involves the advertising, marketing, and sale by respondent of dog food under the Eukanuba brand. Respondent has marketed its Eukanuba brand dog foods through retail outlets. According to the FTC complaint, respondent claimed that its dog food could increase the longevity of dogs by 30 percent or more.

Specifically, the FTC complaint alleges that respondent represented that dogs in a ten-year study that were fed Eukanuba brand dog food and received proper care lived exceptionally long lives—including 30 percent or more longer than their typical lifespan. The complaint alleges that these claims are false or unsubstantiated and thus violate the FTC Act. The complaint also alleges that respondent represented that scientific tests prove that feeding dogs its Eukanuba brand dog food can enable dogs to live exceptionally long lives or to live 30 percent or more longer than their typical lifespan. The complaint alleges that these claims are false and thus violate the FTC Act.

The proposed consent order contains provisions designed to prevent respondent from engaging in similar acts or practices in the future. Specifically, Part I addresses the unsubstantiated claims alleged in the complaint. Part I prohibits respondent from making misleading or unsubstantiated representations that its Eukanuba-brand pet foods or any other pet food can enable dogs to live 30 percent or more longer than their typical lifespan or live exceptionally long lives. It also prohibits respondent from making misleading or unsubstantiated claims regarding the health benefits of any pet food. It requires that respondent possesses and relies upon "competent and reliable scientific evidence" to substantiate any such representation.

Part II of the proposed order addresses the allegedly false claims that scientific tests prove that feeding dogs respondent's Eukanuba brand dog food can enable dogs to live 30 percent or more longer or substantially longer than their typical lifespan. Part II prohibits respondent, when advertising any pet food, from misrepresenting the existence, contents, validity, results, conclusions, or interpretations of any test, study, or research, or misrepresenting that any health benefits of the pet food are scientifically proven.

Parts III–VI of the proposed order contain compliance and recordkeeping requirements. Part III requires respondent acknowledge receipt of the order, to provide a copy of the order to certain current and future principals, officers, directors and employees, and to obtain an acknowledgement from each such person that they have received a copy of the order. Part IV requires the filing of compliance reports within one year after the order becomes final and within 14 days of any change in respondent that would affect compliance with the order. Part V requires respondent to maintain certain records, including records necessary to demonstrate compliance with the order. Part VI requires respondent to submit additional compliance reports when requested by the Commission and to permit the Commission or its representatives to interview respondent's personnel. Finally, Part VII provides that the order will terminate after twenty (20) years, with certain exceptions.

The purpose of this analysis is to facilitate public comment on the proposed order, and it is not intended to constitute an official interpretation of the complaint and proposed order or to modify the proposed order's terms in any way.

By direction of the Commission.

Donald S. Clark,

Secretary.

[FR Doc. 2016–18906 Filed 8–9–16; 8:45 am]

BILLING CODE 6750–01–P

FEDERAL TRADE COMMISSION

Granting of Request for Early Termination of the Waiting Period Under the Premerger

Notification Rules

Section 7A of the Clayton Act, 15 U.S.C. 18a, as added by Title II of the Hart-Scott- Rodino Antitrust Improvements Act of 1976, requires persons contemplating certain mergers or acquisitions to give the Federal Trade Commission and the Assistant Attorney General advance notice and to wait designated periods before consummation of such plans. Section 7A(b)(2) of the Act permits the agencies, in individual cases, to terminate this waiting period prior to its expiration and requires that notice of this action be published in the **Federal Register**.

The following transactions were granted early termination—on the dates indicated—of the waiting period provided by law and the premerger notification rules. The listing for each transaction includes the transaction number and the parties to the transaction. The grants were made by the Federal Trade Commission and the Assistant Attorney General for the Antitrust Division of the Department of Justice. Neither agency intends to take any action with respect to these proposed acquisitions during the applicable waiting period.

EARLY TERMINATIONS GRANTED

April 1, 2016 thru April 30, 2016

04/01/2016

20160878	G	MBK Partners Ltd.; Doosan Infracore Co., Ltd.; MBK Partners Ltd.

EARLY TERMINATIONS GRANTED—Continued

20160887	G	Nordic Capital VIII Beta, L.P.; Genstar Capital Partners VI, L.P.; Nordic Capital VIII Beta, L.P.
20160900	G	EMCOR Group, Inc.; Cadent Energy Partners II, L.P.; EMCOR Group, Inc.
20160901	G	AEA Investors Fund V LP; Audax Private Equity Fund III, L.P.; AEA Investors Fund V LP.
20160903	G	Stuart W. Lang; Checkpoint Systems, Inc.; Stuart W. Lang.
20160904	G	Donald G. Lang; Checkpoint Systems, Inc.; Donald G. Lang.
20160905	G	Micro Focus International plc; HGGC Fund II, L.P.; Micro Focus International plc.
20160908	G	UACJ Corporation; Yogen Rahangdale; UACJ Corporation.
20160909	G	AbbVie Inc.; C.H. Boehringer Sohn AG & Co. KG; AbbVie Inc.
20160921	G	Dynegy Inc.; ENGIE S.A.; Dynegy Inc.
04/04/2016		
20160862	G	VCA Inc.; Companion Animal Practices, North America; VCA Inc.
20160922	G	Precision Medicine Group, Inc.; Patricia Devitt Risse; Precision Medicine Group, Inc.
04/05/2016		
20160917	G	Nestle S.A.; Guthy-Renker Partners, Inc.; Nestle S.A.
04/06/2016		
20160875	G	Searchlight Capital II PV, L.P.; Prospect Capital Corporation; Searchlight Capital II PV, L.P.
20160894	G	Celtic Holdings I Limited; County Line Pharmaceuticals, LLC; Celtic Holdings I Limited.
04/07/2016		
20160105	G	Gannett Co., Inc.; Journal Media Group, Inc; Gannett Co., Inc.
20160907	G	TBC Offshore Ltd.; Cypress Semiconductor Corporation; TBC Offshore Ltd.
04/08/2016		
20160852	G	Deutsche Telekom AG; Telapex, Inc.; Deutsche Telekom AG.
20160858	G	Deutsche Telekom AG; Continuum 700 LLC; Deutsche Telekom AG.
20160859	G	Deutsche Telekom AG; Cavalier Wireless, LLC; Deutsche Telekom AG.
20160926	G	Alejandro Weinstein; Justin and Shila Farmer; Alejandro Weinstein.
20160931	G	Reyes Holdings, L.L.C.; The Coca-Cola Company; Reyes Holdings, L.L.C.
20160933	G	Jose Minski; Justin and Shila Farmer; Jose Minski.
20160942	G	Dustin Moskovitz; Asana, Inc.; Dustin Moskovitz.
20160943	G	Ningbo Huaxiang Electronic Co., Ltd.; Xiaofeng Zhou; Ningbo Huaxiang Electronic Co., Ltd.
20160947	G	Kyocera Corporation; Thomas J. Haag; Kyocera Corporation.
20160955	G	Stantec Inc.; MWH Global, Inc.; Stantec Inc.
20160965	G	Alejandro Weinstein; Ken and Susan Whitman; Alejandro Weinstein.
20160966	G	Jose Minski; Ken and Susan Whitman; Jose Minski.
04/11/2016		
20160946	G	WL Ross Holding Corp.; TPG VI DE AIV II, L.P.; WL Ross Holding Corp.
20160951	G	Wilco Acquisition, LP; ATI Physical Therapy Holdings, LLC; Wilco Acquisition, L.P.
04/12/2016		
20151212	G	Iron Mountain Incorporated; Recall Holdings Limited; Iron Mountain Incorporated.
04/13/2016		
20160932	G	Pinnacle Entertainment, Inc.; Cannery Casino Resorts, LLC; Pinnacle Entertainment, Inc.
20160936	G	Terawatt Holdings, LP; Dynegy Inc.; Terawatt Holdings, L.P.
20160945	G	Harbert Power Fund V, LLC; LS Power Equity Partners II, L.P.; Harbert Power Fund V, LLC.
20160950	G	EQT VII (No. 1) Limited Partnership; D2 ApS; EQT VII (No. 1) Limited Partnership.
04/15/2016		
20160924	G	Allscripts Healthcare Solutions, Inc.; Genstar Capital Partners V, L.P.; Allscripts Healthcare Solutions, Inc.
20160929	G	Fiera Capital Corporation; Nitin Kumbhani; Fiera Capital Corporation.
20160959	G	Terrence Cole; Enhanced Equity Fund, L.P.; Terrence Cole.
20160960	G	Mark Steinberg; Enhanced Equity Fund, L.P.; Mark Steinberg.
20160968	G	Ally Financial Inc.; TradeKing Group, Inc.; Ally Financial Inc.
20160975	G	Steve S. Hong; Ennis, Inc.; Steve S. Hong.
04/18/2016		
20160785	G	PBF Energy Inc.; Plains All American Pipeline, L.P.; PBF Energy Inc.
20160949	G	CHRISTUS Health; Trinity Mother Frances Health System; CHRISTUS Health.
20160992	G	Oskar Blues Brewery Holding Co LLC; Joseph Jay Michael Redner; Oskar Blues Brewery Holding Co LLC.

EARLY TERMINATIONS GRANTED—Continued

		04/19/2016
20160948	G	Godrej & Boyce Manufacturing Company Limited; Strength of Nature, LLC; Godrej & Boyce Manufacturing Company Limited.
		04/20/2016
20160919	G	Starboard Leaders Fund LP; Yahoo! Inc.; Starboard Leaders Fund LP.
20160935	G	Nasdaq, Inc.; Deutsche Borse AG; Nasdaq, Inc.
20160937	G	Mercury Systems, Inc.; Microsemi Corporation; Mercury Systems, Inc.
20160952	G	Markit Ltd.; IHS Inc.; Markit Ltd.
20160953	G	SA Compagnie Industrielle de Delle; Alcoa, Inc.; SA Compagnie Industrielle de Delle.
20160954	G	TransCanada Corporation; Dominion Resources, Inc; TransCanada Corporation.
20160961	G	NVLX Holdings, LLC; Carl A. Allen; NVLX Holdings, LLC.
		04/21/2016
20160930	G	KKR North America Fund XI, L.P.; Marvell Technology Group Ltd.; KKR North America Fund XI, L.P.
		04/22/2016
20160974	G	International Business Machines Corporation; RLH Bluewolf Holding LLC; International Business Machines Corporation.
20160994	G	Halyard Health, Inc.; Linden Capital Partners LP; Halyard Health, Inc.
20160996	G	CEB Inc.; Leeds Equity Partners V, L.P.; CEB Inc.
20160998	G	Sheser Creek Company LLC; Single Source, Inc.; Sheser Creek Company LLC.
20161005	G	Foundation Capital V, L.P.; Venafi, Inc.; Foundation Capital V, L.P.
20161008	G	Richard G. Haworth; Janice Kercham Feldman; Richard G. Haworth.
20161009	G	Steel Partners Holdings, L.P.; SL Industries, Inc.; Steel Partners Holdings, L.P.
20161013	G	Legrand S.A.; Michael K. Moore; Legrand S.A.
20161015	G	The Yokohama Rubber Co., Ltd.; KKR Asian Fund L.P.; The Yokohama Rubber Co., Ltd.
20161017	G	Coast Range Buyer, LLC; Campbell Timber Fund II, L.P.; Coast Range Buyer, LLC.
		04/25/2016
20160928	G	Oak Hill Capital Partners IV (Onshore), L.P.; Riverside Fund IV, LP; Oak Hill Capital Partners IV (Onshore), L.P.
20160940	G	Rosa Anna Magno Garavoglia; Societe des Produits Marnier-Lapostolle; Rosa Anna Magno Garavoglia.
20160962	G	Arsenal Capital Partners III LP; Robert Marc Skalla; Arsenal Capital Partners III LP.
20160963	G	Arsenal Capital Partners III LP; Russell Eugene Skalla; Arsenal Capital Partners III LP.
20160967	G	ABRY Partners VIII, L.P.; Cerca Acquisitions I, LLC; ABRY Partners VIII, L.P.
		04/26/2016
20160972	G	Nasdaq, Inc.; BoardVantage, Inc.; Nasdaq, Inc.
		04/28/2016
20160938	G	Coherent, Inc.; Rofin-Sinar Technologies Inc.; Coherent, Inc.
20160980	G	Compagnie De Saint-Gobain; Schenker-Winkler Holding AG; Compagnie De Saint-Gobain.
20161012	G	Brocade Communications Systems, Inc.; Ruckus Wireless, Inc.; Brocade Communications Systems, Inc.
		04/29/2016
20161000	G	FinTech Acquisition Corp.; FTVentures III, L.P.; FinTech Acquisition Corp.
20161043	G	Corning Incorporated; Alliance Fiber Optic Products, Inc.; Corning Incorporated.
		May 1, 2016 thru May 31, 2016 **05/03/2016**
20161006	G	AI Global Investments & Cy SCA; Nuplex Industries Limited; AI Global Investments & Cy SCA.
20161014	G	Providence Equity Partners VII USRPHC L.P.; EdgeConnex, Inc.; Providence Equity Partners VII USRPHC L.P.
20161032	G	Peak Rock Capital Fund LP; Hormel Foods Corporation; Peak Rock Capital Fund LP.
20161045	G	BBH Capital Partners QP IV, L.P.; EdgeConnex, Inc.; BBH Capital Partners QP IV, L.P.
		05/06/2016
20160971	G	Berwind Corporation; Mangar Industries, Inc.; Berwind Corporation.
20161004	G	Nippon Telegraph and Telephone Corporation; Denali Holding Inc.; Nippon Telegraph and Telephone Corporation.
20161020	G	Tsinghua Holdings Co., Ltd.; Marvell Technology Group Ltd.; Tsinghua Holdings Co., Ltd.
20161030	G	KBHS Group Holdings, LLC; American Capital, Ltd.; KBHS Group Holdings, LLC.
20161039	G	Riverstone/Carlyle Global Energy and Power Fund IV (FT), L.P; Sanjel Corporation; Riverstone/Carlyle Global Energy and Power Fund IV (FT), L.P.
20161040	G	Riverstone Global Energy and Power Fund VI, L.P.; Sanjel Corporation; Riverstone Global Energy and Power Fund VI, L.P.

EARLY TERMINATIONS GRANTED—Continued

05/09/2016		
20160856	G	United Natural Foods, Inc.; David H. Anderson, Sr.; United Natural Foods, Inc.
20161052	G	Restoration Hardware Holdings, Inc.; Design Investors WW Acquisition Company, LLC; Restoration Hardware Holdings, Inc.
20161055	G	AXA LBO Fund V Supplementary FPCI; Halifax Capital Partners III, L.P.; AXA LBO Fund V Supplementary FPCI.
20161056	G	Blackstone Capital Partners (Cayman II) VI L.P.; Hewlett Packard Enterprise Co.; Blackstone Capital Partners (Cayman II) VI L.P.
20161057	G	Roger S. Penske; Francis I. McGowen; Roger S. Penske.
20161058	G	Blue Sea Capital Fund I LP; NSi Holdings, Inc.; Blue Sea Capital Fund I LP.
20161059	G	Merit Energy Investments, LP; Marathon Oil Corporation; Merit Energy Investments, LP.
20161060	G	Merit 2014 MMGI, LP; Marathon Oil Corporation; Merit 2014 MMGI, LP.
20161061	G	Assured Guaranty Ltd.; CIFG Holding Inc.; Assured Guaranty Ltd.
20161067	G	Glenn B. Cooke; Paine & Partners Capital Fund III AIV, L.P.; Glenn B. Cooke.
20161069	G	Now Inc.; Tony S. Cercy; Now Inc.
20161070	G	Unum Group; H&J Capital, LLC; Unum Group.
20161075	G	Hennessy Capital Acquisition Corp. II; USI Senior Holdings, Inc.; Hennessy Capital Acquisition Corp. II.
05/10/2016		
20160888	G	McKesson Corporation; Frazier Healthcare VI, L.P.; McKesson Corporation.
20161010	G	Century Tokyo Leasing Corporation; CSI Leasing, Inc.; Century Tokyo Leasing Corporation.
20161026	G	Thomas M. Rutledge; CCH I, LLC; Thomas M. Rutledge.
20161065	G	Ford Motor Company; EMC Corporation; Ford Motor Company.
20161084	G	GP Investments Acquisition Corp.; WKI Holding Company, Inc.; GP Investments Acquisition Corp.
05/12/2016		
20161028	G	JANA Offshore Partners, Ltd.; Team Health Holdings, Inc.; JANA Offshore Partners, Ltd.
20161029	G	JANA Nirvana Offshore Fund, Ltd.; Team Health Holdings, Inc.; JANA Nirvana Offshore Fund, Ltd.
05/13/2016		
20160999	G	Kestra Financial Holdings LP; Madison Dearborn Capital Partners VI–A, L.P.; Kestra Financial Holdings LP.
20161047	G	Huatai Securities Co., Ltd.; AqGen Liberty Holdings LLC; Huatai Securities Co., Ltd.
20161048	G	Allergan plc; Sosei Group Corporation; Allergan plc.
20161094	G	Linsalata Capital Partners Fund VI, L.P.; Eliezer Elbaz; Linsalata Capital Partners Fund VI, L.P.
20161095	G	Linsalata Capital Partners Fund VI, L.P.; Sol Bonan; Linsalata Capital Partners Fund VI, L.P.
20161100	G	Genstar Capital Partners VII, L.P.; Windjammer Senior Equity Fund III, L.P.; Genstar Capital Partners VII, L.P.
20161105	G	ABRY Partners VIII, L.P.; Oliver Street Dermatology Holdings, LLC; ABRY Partners VIII, L.P.
20161112	Y	Polaris Investment Holdings, L.P.; MPH Acquisition Holdco, L.P.; Polaris Investment Holdings, L.P.
20161114	G	Mitel Networks Corporation; Polycom, Inc.; Mitel Networks Corporation.
05/16/2016		
20161031	G	State Street Corporation; General Electric Company; State Street Corporation.
20161106	G	Stichting Administratiekantoor Westend; Clearlake Capital Partners III, L.P.; Stichting Administratiekantoor Westend.
20161131	G	GI Partners Fund IV L.P.; Far Niente Wine Estates LLC; GI Partners Fund IV L.P.
05/17/2016		
20160964	G	TransCanada Corporation; Columbia Pipeline Group, Inc.; TransCanada Corporation.
20161035	G	Mr. Tianqiao Chen and Ms. Chrissy Qian Qian Luo; Sotheby's; Mr. Tianqiao Chen and Ms. Chrissy Qian Qian Luo.
20161053	G	The Hearst Family Trust; Complex Media, Inc.; The Hearst Family Trust.
20161054	G	Verizon Communications Inc.; Complex Media, Inc.; Verizon Communications Inc.
20161092	G	SES S.A.; O3b Networks Limited; SES S.A.
20161097	G	Kelso Hammer Co-Investment, L.P.; Carolyn A. Swanson; Kelso Hammer Co-Investment, L.P.
20161102	G	Oracle Corporation; Opower, Inc.; Oracle Corporation.
20161107	G	Tokyo Electric Power Company Holdings, Incorporated; JERA Co., Inc.; Tokyo Electric Power Company Holdings, Incorporated.
20161113	G	Marlin IV Cayman AIV, L.P.; Teradata Corporation; Marlin IV Cayman AIV, L.P.
20161125	G	LANXESS AG; The Chemours Company; LANXESS AG.
05/18/2016		
20161108	G	Investindustrial V, L.P.; Investindustrial III, L.P.; Investindustrial V, L.P.
20161111	G	Investindustrial V, L.P.; Reichhold Cayman LP; Investindustrial V, L.P.
05/19/2016		
20161068	G	Cardinal Health Inc.; Curaspan Health Group, Inc.; Cardinal Health Inc.
20161076	G	Rexnord Corporation; Industrial Growth Partners IV, L.P.; Rexnord Corporation.
20161081	G	Omnicom Group Inc.; Southfield BioPharm Investment, LLC; Omnicom Group Inc.
20161085	G	Zhuhai Hengxin Fengye Technology LLC; Lexmark International, Inc.; Zhuhai Hengxin Fengye Technology LLC.
20161109	G	Gildan Activewear Inc.; Ennis, Inc.; Gildan Activewear Inc.

EARLY TERMINATIONS GRANTED—Continued

20161118	G	TPG Partners VI, L.P.; Endo International plc; TPG Partners VI, L.P.
20161127	G	Seven & i Holdings Co., Ltd.; CST Brands, Inc.; Seven & i Holdings Co., Ltd.
05/20/2016		
20161103	G	The Veritas Capital Fund V, L.P.; Verisk Analytics, Inc.; The Veritas Capital Fund V, L.P.
20161115	G	Oracle Corporation; Textura Corporation; Oracle Corporation.
20161129	G	Stabilus S.A.; AB SKF; Stabilus S.A.
20161130	G	Todd L. Boehly; Eldridge Investors, LLC; Todd L. Boehly.
20161134	G	Genstar Capital Partners VII, L.P.; IHS Inc.; Genstar Capital Partners VII, L.P.
20161135	G	Vonage Holdings Corp.; Nexmo Inc.; Vonage Holdings Corp.
20161141	G	Hormel Foods Corporation; Justin's, LLC; Hormel Foods Corporation.
20161142	G	RoundTable Healthcare Partners IV, L.P.; Symmetry Surgical Inc.; RoundTable Healthcare Partners IV, L.P.
20161144	G	Clayton, Dubilier & Rice Fund IX, L.P.; Kalle Luxembourg S.a.r.l.; Clayton, Dubilier & Rice Fund IX, L.P.
20161150	G	Sinocare Inc.; Polymer Technology Systems, Inc.; Sinocare Inc.
20161167	G	Nippon Steel & Sumitomo Metal Corporation; Nisshin Steel Co., Ltd.; Nippon Steel & Sumitomo Metal Corporation.
05/23/2016		
20161110	G	Francisco Partners III (Cayman), L.P.; Brambles Limited; Francisco Partners III (Cayman), L.P.
20161140	G	QMP Insurance Holdings, LLC; Old National Bancorp; QMP Insurance Holdings, LLC.
05/24/2016		
20161087	G	Energy Capital Partners III–A, LP; Sunnova Energy Corporation; Energy Capital Partners III–A, LP.
20161137	G	One Rock Capital Partners, LP; Chevron Corporation; One Rock Capital Partners, LP.
05/25/2016		
20161088	G	AbbVie Inc.; Stemcentrx, Inc.; AbbVie Inc.
20161090	G	Brian Slingerland and Emily Paige Adams; AbbVie Inc.; Brian Slingerland and Emily Paige Adams.
20161091	G	Scott J. Dylla and Melodie Dylla; AbbVie Inc.; Scott J. Dylla and Melodie Dylla.
20161151	G	Clearlake Capital Partners IV, L.P.; Thoma Cressey Fund VIII, L.P.; Clearlake Capital Partners IV, L.P.
20161161	G	EQT Infrastructure II Limited Partnership; Littlejohn Fund IV, L.P.; EQT Infrastructure II Limited Partnership.
05/26/2016		
20161062	G	Glen A. Taylor; Staples Inc.; Glen A. Taylor.
20161139	G	U.S. TelePacific Holdings Corp.; DSCI Holdings Corporation; U.S. TelePacific Holdings Corp.
05/27/2016		
20161064	G	Apax VIII–B L.P.; Accenture plc; Apax VIII–B L.P.
20161072	G	XIO Fund I LP; S&P Global Inc.; XIO Fund I LP.
20161173	G	L.S. Power Equity Partners III, L.P.; NRG Energy, Inc.; L.S. Power Equity Partners III, L.P.
20161175	G	Michael F. Neidorff; Centene Corporation; Michael F. Neidorff.
20161177	G	Clayton Dubilier & Rice Fund IX, L.P.; Brynwood Partners VI L.P.; Clayton Dubilier & Rice Fund IX, L.P.
20161182	G	Carl C. Icahn; Allergan plc; Carl C. Icahn.
20161183	G	Spire Inc.; Sempra Energy; Spire Inc.
June 1, 2016 thru June 30, 2016		
06/01/2016		
20161155	G	Aon plc; Onex Partners III LP; Aon plc.
20161188	G	Sinochem Group; American Securities Partners VI, L.P.; Sinochem Group.
20161189	G	Olympus Growth Fund VI, L.P.; Road Infrastructure Investment Holdings, Inc.; Olympus Growth Fund VI, L.P.
20161198	G	FS Equity Partners VII, L.P.; Audax Private Equity Fund III, L.P.; FS Equity Partners VII, L.P.
06/02/2016		
20161063	G	Hainan Cihang Charitable Foundation; Ingram Micro Inc.; Hainan Cihang Charitable Foundation.
20161096	G	Great Hill Equity Partners V, L.P.; EvolveIP Holdings, LLC; Great Hill Equity Partners V, L.P.
20161126	G	Ironwood Pharmaceuticals, Inc.; AstraZeneca PLC; Ironwood Pharmaceuticals, Inc.
20161203	G	Energizer Holdings, Inc.; Trivest Fund V, L.P.; Energizer Holdings, Inc.
06/03/2016		
20161146	G	Hitachi, Ltd.; Jeffrey D. Cowan; Hitachi, Ltd.
20161147	G	Hitachi, Ltd.; Gregory E. Larson; Hitachi, Ltd.
20161185	G	BDCM Opportunity Fund IV, L.P.; Investindustrial V, L.P.; BDCM Opportunity Fund IV, L.P.
20161197	G	Thomas Jefferson University; Rothman Specialty Hospital Investment, LLC; Thomas Jefferson University.
06/06/2016		
20161156	G	Global Eagle Entertainment Inc.; ABRY Partners VII, L.P.; Global Eagle Entertainment Inc.

EARLY TERMINATIONS GRANTED—Continued

20161164	G	Mylan N.V.; RoundTable Healthcare Partners III, L.P.; Mylan N.V.
20161174	G	Corvex Master Fund LP; Pandora Media, Inc.; Corvex Master Fund LP.
20161201	G	General Atlantic Partners (Bermuda) III, L.P.; Argus Media Limited; General Atlantic Partners (Bermuda) III, L.P.
20161204	G	Dr. Guanqiu Lu; The Superior Fund, L.P.; Dr. Guanqiu Lu.
20161209	G	TransDigm Group Incorporated; Mr. Clifford Lane; TransDigm Group Incorporated.
20161210	G	Magellan Health, Inc.; Armed Forces Services Corporation; Magellan Health, Inc.
20161211	G	Snow Phipps II AIV, L.P.; BVIP Fund VIII, L.P.; Snow Phipps II AIV, L.P.
20161213	G	Melinda K. Holman; Gregory A. Goodwin; Melinda K. Holman.
20161214	G	California Credit Union; North Island Financial Credit Union; California Credit Union.
20161225	G	HNVR Jerseyco Limited; TUI AG; HNVR Jerseyco Limited.
20161226	G	Pfizer Inc.; Anacor Pharmaceuticals, Inc.; Pfizer Inc.
20161232	G	Permira V L.P. 2; Yoshimune Noda; Permira V L.P. 2.
20161236	G	Carlisle Companies Incorporated; A. Bruce Mainwaring; Carlisle Companies Incorporated.
20161244	G	Madison Dearborn Capital Partners VII–A, L.P.; PHW Equity Investors, L.P.; Madison Dearborn Capital Partners VII–A, L.P.
06/07/2016		
20161170	G	OSI Group, LLC; Creo Capital Partners, LP; OSI Group, LLC.
20161239	G	New Mountain Partners IV, L.P.; PG–ACP Holdings, L.P.; New Mountain Partners IV, L.P.
06/10/2016		
20161171	G	Elliott Associates, L.P.; Mitel Networks Corporation; Elliott Associates, L.P.
20161248	G	The Goldman Sachs Group Inc.; Mosley Holdings, Inc.; The Goldman Sachs Group Inc.
20161252	G	Total S.A.; Saft Groupe S.A.; Total S.A.
20161254	G	Softbank Group Corp.; Genie Global, Inc.; Softbank Group Corp.
20161255	G	Softbank Group Corp.; The Kroger Co.; Softbank Group Corp.
20161258	G	DeVry Education Group Inc.; Alert Global Media Holdings, LLC; DeVry Education Group Inc.
20161262	G	Genstar Capital Partners VI, L.P.; FactSet Research Systems Inc.; Genstar Capital Partners VI, L.P.
06/13/2016		
20161168	G	Valline S.r.l.; The Medicines Company; Valline S.r.l.
20161260	G	ANRP II (AIV P), L.P.; Dale Brown; ANRP II (AIV P), L.P.
20161261	G	ANRP II (AIV P), L.P.; Cary Brown; ANRP II (AIV P), L.P.
20161263	G	Dental Service of Massachusetts, Inc.; Advantage Consolidated, LLC; Dental Service of Massachusetts, Inc.
06/14/2016		
20160562	G	GTCR Fund X/A AIV LP; UBM plc; GTCR Fund X/A AIV LP.
20161163	G	BVIP Fund VIII, L.P.; Keith A. Stinson; BVIP Fund VIII, L.P.
20161165	G	BVIP Fund VIII, L.P.; Glenn F. Stinson; BVIP Fund VIII, L.P.
20161196	G	Nanya Technology Corporation; Micron Technology, Inc.; Nanya Technology Corporation.
20161217	G	Agnaten SE; Krispy Kreme Doughnuts, Inc.; Agnaten SE.
20161257	G	KBR, Inc.; Wyle Inc.; KBR, Inc.
20161259	G	BDCM Opportunity Fund III, L.P.; Investindustrial V L.P.; BDCM Opportunity Fund III, L.P.
20161269	G	C–III Partners LLC; Resource America, Inc.; C–III Partners LLC.
06/15/2016		
20161229	G	AT&T Inc.; MDCP VI–A Global Investments LP; AT&T Inc.
06/16/2016		
20161186	G	Sequential Brands Group, Inc.; Jirka Rysavy; Sequential Brands Group, Inc.
20161218	G	Providence Equity Partners VII OEConnection L.P.; Ford Motor Company; Providence Equity Partners VII OEConnection L.P.
20161219	G	Providence Equity Partners VII OEConnection L.P.; General Motors Company; Providence Equity Partners VII OEConnection L.P.
06/17/2016		
20160092	G	Heidelberg Cement AG; Italcementi S.p.A.; Heidelberg Cement AG.
20161190	G	Energy Transfer Equity, L.P.; DCP Midstream Partners, LP; Energy Transfer Equity, L.P.
20161267	G	Stichting Administratiekantoor Westend; Thrive Market, Inc.; Stichting Administratiekantoor Westend.
20161271	G	Range Resources Corporation; Memorial Resource Development Corp.; Range Resources Corporation.
20161273	G	Newco; Frazier Healthcare (Cayman) VI, L.P.; Newco.
20161274	G	Interogo Foundation; Stichting Ingka Foundation; Interogo Foundation.
20161276	G	Francisco Partners IV, L.P.; Sanjeev Malaney; Francisco Partners IV, L.P.
20161277	G	Cargill Incorporated; Five Star Custom Foods, Ltd.; Cargill Incorporated.
20161281	G	PAI Europe VI–1 FCPI; EQT VI (No.1) Limited Partnership; PAI Europe VI–1 FCPI.
20161283	G	Border States Industries, Inc.; William E. DeLoache, III; Border States Industries, Inc.
20161287	G	salesforce.com, inc.; Demandware, Inc.; salesforce.com, inc.
20161292	G	Shiseido Company, Limited; Richard M. DeVos; Shiseido Company, Limited.

EARLY TERMINATIONS GRANTED—Continued

20161293	G	Shiseido Company, Limited; Voting Shares Trust; Shiseido Company, Limited.
20161299	G	FS Equity Partners VII, L.P.; Roark Capital Partners, LP; FS Equity Partners VII, L.P.
20161306	G	Telhio Credit Union, Inc.; Chaco Credit Union, Inc.; Telhio Credit Union, Inc.
06/20/2016		
20161181	G	Comcast Corporation; Jeffrey Katzenberg; Comcast Corporation.
20161246	G	MTY Food Group Inc.; Sam and Clara Serruya; MTY Food Group Inc.
20161291	G	Clayton Dubilier & Rice Fund IX, L.P.; White Mountains Insurance Group Ltd.; Clayton Dubilier & Rice Fund IX, L.P.
06/21/2016		
20161265	G	Clayton, Dubilier & Rice Fund IX, L.P.; Lineage Investments, Inc.; Clayton, Dubilier & Rice Fund IX, L.P.
20161282	G	Bain Capital Fund XI, L.P.; Navicure, Inc.; Bain Capital Fund XI, L.P.
20161296	G	FREIF II Bravo AIV L.P.; Plains All American Pipeline, L.P.; FREIF II Bravo AIV L.P.
20161297	G	General Electric Company; Plains All American Pipeline, L.P.; General Electric Company.
06/22/2016		
20161215	G	Starboard Value and Opportunity Fund Ltd.; Staples, Inc.; Starboard Value and Opportunity Fund Ltd.
20161253	G	NICE Systems, Ltd.; inContact, Inc.; NICE Systems, Ltd.
20161264	G	Thoma Bravo Discover Fund, L.P.; TA XI L.P.; Thoma Bravo Discover Fund, L.P.
20161266	G	Golden Gate Capital Opportunity Fund LP; Paul A. Nazzaro; Golden Gate Capital Opportunity Fund LP.
20161272	G	Thoma Bravo Discover Fund, L.P.; Elemica, Inc.; Thoma Bravo Discover Fund, L.P.
20161284	G	Vista Equity Partners Fund VI, L.P.; Marketo, Inc.; Vista Equity Partners Fund VI, L.P.
20161288	G	Vista Equity Partners Fund VI, L.P.; Ping Identity Corporation; Vista Equity Partners Fund VI, L.P.
20161295	G	Accel-KKR Capital Partners V, LP; SciQuest, Inc.; Accel-KKR Capital Partners V, LP.
06/23/2016		
20161300	G	Platinum Equity Capital Partners III, L.P.; Electro Rent Corporation; Platinum Equity Capital Partners III, L.P.
20161301	G	PPG Industries, Inc.; Platinum Equity Capital Partners III, L.P.; PPG Industries, Inc.
06/24/2016		
20161249	G	Pamlico Capital III, L.P.; Kenneth A. Barnett; Pamlico Capital III, L.P.
20161302	G	Thermo Fisher Scientific Inc.; FEI Company; Thermo Fisher Scientific Inc.
20161304	G	Zimmer Biomet Holdings, Inc.; LDR Holding Corporation; Zimmer Biomet Holdings, Inc.
20161307	G	Veolia Environnement S.A.; The Chemours Company; Veolia Environnement S.A.
20161308	G	Platinum Equity Capital Partners III, L.P.; ConAgra Foods, Inc.; Platinum Equity Capital Partners III, L.P.
20161317	G	The Resolute Fund III, L.P.; PA–LLC Holdings, LLC; The Resolute Fund III, L.P.
20161318	Y	Wind Point Partners VIII–A, L.P.; LongueVue Capital Partners II, LP; Wind Point Partners VIII–A, L.P.
20161319	G	The Resolute Fund III, L.P.; Yaron Rosenthal; The Resolute Fund III, L.P.
20161323	G	FMC Technologies, Inc.; Technip S.A.; FMC Technologies, Inc.
20161324	G	Technip S.A.; FMC Technologies, Inc.; Technip S.A.
20161328	G	Olympus Growth Fund VI, L.P.; AmSpec Holding Corp; Olympus Growth Fund VI, L.P.
20161329	G	Deutsche Telekom AG; AT&T Inc.; Deutsche Telekom AG.
20161330	G	Symrise AG; Timothy J. Gamble; Symrise AG.
20161331	G	Riverstone Global Energy and Power Fund V (FT), L.P.; Talen Energy Corporation; Riverstone Global Energy and Power Fund V (FT), L.P.
06/27/2016		
20161313	G	Dr. h.c. Friede Springer; eMarketer, Inc.; Dr. h.c. Friede Springer.
06/28/2016		
20161314	G	Hardwoods Distribution Inc.; David Hughes; Hardwoods Distribution Inc.
20161338	G	SCI Associates LLC; Platinum Equity Capital Partners II; SCI Associates LLC.
06/29/2016		
20161316	G	Project Alpha Holding, LLC; Qlik Technologies Inc.; Project Alpha Holding, LLC.
20161325	G	GTCR Fund XI/B LP; Serent Capital, L.P.; GTCR Fund XI/B LP.
06/30/2016		
20161132	G	Berkshire Hathaway Inc.; Shultz Steel Company; Berkshire Hathaway Inc.
20161270	G	Mednax, Inc.; Cardon Healthcare Holdings, LLC; Mednax, Inc.
20161280	G	Sierra Private Investments L.P.; Xura, Inc.; Sierra Private Investments L.P.
20161315	G	Open Text Corporation; Recommind, Inc.; Open Text Corporation.
20161320	G	World Fuel Services Corporation; Associated Petroleum Products, Inc.; World Fuel Services Corporation.
20161326	G	Roark Capital Partners III LP; Roark Capital Partners II AIV AG, LP; Roark Capital Partners III LP.
20161327	G	Roark Capital Partners II AIV AG, LP; Roark Capital Partners III LP; Roark Capital Partners II AIV AG, LP.
20161345	G	Old Mutual plc; LMRK Intermediary, Inc.; Old Mutual plc.

EARLY TERMINATIONS GRANTED—Continued

July 1, 2016 thru July 31, 2016		
07/01/2016		
20161279	G	General Atlantic Partners 93, L.P.; TA XI L.P.; General Atlantic Partners 93, L.P.
20161336	G	Shire plc; Pfizer Inc.; Shire plc.
20161348	G	Par Pacific Holdings, Inc.; Black Elk Refining, LLC; Par Pacific Holdings, Inc.
20161355	G	Terumo Corporation; Sequent Medical, Inc.; Terumo Corporation.
20161361	G	Hainan Cihang Charitable Foundation; gategroup Holding AG; Hainan Cihang Charitable Foundation.
20161362	G	Oaktree Power Opportunities Fund IV, L.P.; Ronald P. Corio; Oaktree Power Opportunities Fund IV, L.P.
07/06/2016		
20161278	G	Ares Capital Corporation; American Capital, Ltd.; Ares Capital Corporation.
20161349	G	Genstar Capital Partners VI, L.P.; William W. McNeal, Jr.; Genstar Capital Partners VI, L.P.
20161352	G	Pirlo Energy Holdings, LLC; WDE Partners, LP; Pirlo Energy Holdings, LLC.
20161373	G	Audax Private Equity Fund V–A, L.P.; Chesapeake Urology Associated, P.A.; Audax Private Equity Fund V–A, L.P.
07/07/2016		
20161351	G	Genstar Capital Partners VI, L.P.; Joseph M. Abbott; Genstar Capital Partners VI, L.P.
20161366	G	Douglas Dynamics, Inc.; Peter Paul Dejana Family Trust dated 12/31/98; Douglas Dynamics, Inc.
20161374	G	Randstad Holding nv; Ausy S.A.; Randstad Holding nv.
07/08/2016		
20161098	G	RELX PLC; Alert Holding Company, Inc.; RELX PLC.
20161099	G	RELX NV; Alert Holding Company, Inc.; RELX NV.
20161157	G	TiVo Inc.; Rovi Corporation; TiVo Inc.
20161158	G	Rovi Corporation; TiVo Inc.; Rovi Corporation.
20161363	G	Hamilton Lane Co-Investment Fund II L.P.; Kelly Julius; Hamilton Lane Co-Investment Fund II L.P.
20161372	G	Gryphon Partners IV, L.P.; Lawler Foods, Inc.; Gryphon Partners IV, L.P.
07/11/2016		
20161368	G	BioScrip, Inc.; KRG Capital Fund IV, L.P.; BioScrip, Inc.
20161369	G	UnitedHealth Group, Incorporated; Riverside Pediatric Group, P.C.; UnitedHealth Group, Incorporated.
20161387	G	Audax Private Equity Fund V–A, L.P.; AEA Investors 2006 Fund L.P.; Audax Private Equity Fund V–A, L.P.
20161392	G	Contura Energy, Inc.; Alpha Natural Resources, Inc.; Contura Energy, Inc.
20161397	G	Sentinel Capital Partners V, L.P.; Levine Leichtman Capital Partners IV, L.P.; Sentinel Capital Partners V, L.P.
20161401	G	Dentsu Inc.; Pegasus Partners IV, L.P.; Dentsu Inc.
07/13/2016		
20161395	G	Ronald O. Perelman; Elizabeth Arden, Inc.; Ronald O. Perelman.
20161396	G	MIP III (ECI) AIV, L.P.; Deutsche Bank AG; MIP III (ECI) AIV, L.P.
20161402	G	Steel Dynamics, Inc.; William David Upton, Jr.; Steel Dynamics, Inc.
20161405	G	Carlyle Europe Partners IV, L.P.; Logoplaste Invest S.A.; Carlyle Europe Partners IV, L.P.
20161406	G	NextEra Energy, Inc.; USPF III Leveraged Feeder, L.P.; NextEra Energy, Inc.
20161407	G	BASF SE; Albemarle Corporation; BASF SE.
20161408	G	Vedipar S.A.; JF Hillebrand Group AG; Vedipar S.A.
20161420	G	Melrose Industries PLC; Nortek, Inc.; Melrose Industries PLC.
07/14/2016		
20161334	G	The Hearst Family Trust; MedHOK Holdco, Inc.; The Hearst Family Trust.
20161398	G	Bio-Techne Corporation; Advanced Cell Diagnostics, Inc.; Bio-Techne Corporation.
20161403	G	Kelso Investment Associates IX, L.P.; Tenex Capital Partners, L.P.; Kelso Investment Associates IX, L.P.
07/15/2016		
20160408	G	Tullett Prebon plc; ICAP Newco c/o ICAP plc; Tullett Prebon plc.
20161416	G	Kion Group AG; DH Services Luxembourg Holding S.a.r.l.; Kion Group AG.
20161417	G	American Securities Partners VII, L.P.; Canada Pension Plan Investment Board; American Securities Partners VII, L.P.
20161419	G	KKR North America Fund XI, L.P.; RES Holding Company, LLC; KKR North America Fund XI, L.P.
20161421	G	Packaging Corporation of America; Tim-Bar Corporation; Packaging Corporation of America.
20161426	G	Datwyler Fuhrungs AG; Premier Farnell plc; Datwyler Fuhrungs AG.
20161434	G	Kelso Investment Associates IX, L.P.; Pamlico Capital II, L.P.; Kelso Investment Associates IX, L.P.
20161435	G	Andrew Fathollahi; Skullcandy, Inc.; Andrew Fathollahi.
07/18/2016		
20161381	G	Tencent Holdings Limited; Softbank Corp.; Tencent Holdings Limited.
20161412	G	OnShore SPV; NXP Semiconductors N.V.; OnShore SPV.

EARLY TERMINATIONS GRANTED—Continued

20161427	G	Summertime Holding Corp.; Enservio, Inc.; Summertime Holding Corp.
07/19/2016		
20161376	G	Reyes Holdings, L.L.C.; The Coca-Cola Company; Reyes Holdings, L.L.C.
20161428	G	Axalta Coating Systems Ltd.; Dr. Myung K. Hong and Lorrie Y. Hong; Axalta Coating Systems Ltd.
20161429	G	Appointive Distributing Trust A c/u SC Johnson '88 Trust # 1; Baby Holdings, LLC; Appointive Distributing Trust A c/u SC Johnson '88 Trust # 1.
20161445	G	Synnex Corporation; Mr. Sameer Chawla; Synnex Corporation.
20161446	G	Gannett Co., Inc.; ReachLocal, Inc.; Gannett Co., Inc.
07/20/2016		
20161194	G	H.I.G. Middle Market LBO Fund II, L.P.; Centric Group, L.L.C.; H.I.G. Middle Market LBO Fund II, L.P.
20161357	G	Symantec Corporation; Bain Capital Fund XI, L.P.; Symantec Corporation.
20161391	G	GameStop Corp.; David C. Shanks; GameStop Corp.
07/22/2016		
20151293	G	Koninklijke Ahold N.V.; Delhaize Group NV/SA; Koninklijke Ahold N.V.
20161364	G	Verizon Communications Inc.; Telogis, Inc.; Verizon Communications Inc.
20161390	G	Aramark; National Purchasing Corporation; Aramark.
20161399	G	Orion US Holdings 1 L.P.; SunEdison, Inc.; Orion US Holdings 1 L.P.
20161444	G	MRO Holdings Inc.; MCP I (FAS), LP; MRO Holdings Inc.
20161448	G	Onex Partners IV LP; Paine & Partners Capital Fund III, LP; Onex Partners IV LP.
20161454	G	Johann F. Graf; Leonard H. Ainsworth; Johann F. Graf.
20161459	G	The Resolute Fund II, L.P.; ICV Partners II, L.P.; The Resolute Fund II, L.P.
20161464	G	Delta Galil Industries Ltd.; V.F. Corporation; Delta Galil Industries Ltd.
20161465	G	Odyssey Investment Partners Fund V, L.P.; W.R. Berkley Corporation; Odyssey Investment Partners Fund V, L.P.
07/25/2016		
20161437	G	Warburg Pincus Private Equity XI, L.P.; Dude Solutions Holdings, Inc.; Warburg Pincus Private Equity XI, L.P.
20161442	G	Energy Spectrum Partners VII L.P.; Resolute Energy Corporation; Energy Spectrum Partners VII L.P.
07/26/2016		
20161394	G	Genstar Capital Partners VII, L.P.; Odyssey Investment Partners Fund IV, L.P.; Genstar Capital Partners VII, L.P.
20161413	G	TEGNA Inc.; Great Hill Equity Partners IV, LP; TEGNA Inc.
20161450	G	Francisco Partners IV, L.P.; Michael S. Dell; Francisco Partners IV, L.P.
07/27/2016		
20151659	G	Teva Pharmaceutical Industries Ltd.; Allergan plc; Teva Pharmaceutical Industries Ltd.
20160818	G	Mylan N.V.; Meda AB; Mylan N.V.
20161487	G	Honeywell International Inc.; Permira IV Continuing L.P. 2; Honeywell International Inc.
20161493	G	Charlesbank Equity Fund VIII, Limited Partnership; Polyconcept Limited; Charlesbank Equity Fund VIII, Limited Partnership.
07/28/2016		
20161447	G	National General Holdings Corp.; Elara Holdings, Inc.; National General Holdings Corp.
07/29/2016		
20160580	G	Bain Capital Fund XI, L.P.; American Trailer Works, Inc.; Bain Capital Fund XI, L.P.
20161415	G	FR XII Charlie AIV, L.P.; Cotton Creek Capital Partners II, L.P.; FR XII Charlie AIV, L.P.
20161418	G	H.I.G. Capital Partners V, L.P.; Patrick J. Kavanaugh; H.I.G. Capital Partners V, L.P.
20161474	G	Hapag-Lloyd AG; United Arab Shipping Company S.A.G.; Hapag-Lloyd AG.
20161481	G	Smith & Wesson Holding Corporation; Stewart A. Taylor and Sheila G. Taylor; Smith & Wesson Holding Corporation.
20161483	G	Kaapa Ethanol Holdings, LLC; Abengoa Bioenergy of Nebraska, LLC; Kaapa Ethanol Holdings, LLC.
20161489	G	Gores Holdings, Inc.; Hostess Holdings, L.P.; Gores Holdings, Inc.
20161490	G	TPG Partners VII, LP; RoundTable Healthcare Partners II, L.P.; TPG Partners VII, LP.
20161495	G	Matson, Inc.; Evergreen Pacific Partners II, L.P.; Matson, Inc.
20161497	G	Thoma Bravo Fund XII, L.P.; Imprivata, Inc.; Thoma Bravo Fund XII, L.P.
20161500	G	Royal Dutch Shell plc; Explorer Pipeline Company; Royal Dutch Shell plc.
20161509	G	Monotype Imaging Holdings, Inc.; Olapic, Inc.; Monotype Imaging Holdings, Inc.
20161512	G	Massachusetts Mutual Life Insurance Company; Ares Commercial Real Estate Corporation; Massachusetts Mutual Life Insurance Company.

For Further Information Contact: Theresa Kingsberry Program Support Specialist, Federal Trade Commission Premerger Notification Office Bureau of Competition, Room CC–5301, Washington, DC 20024, (202) 326–3100.

By direction of the Commission.

Donald S. Clark,

Secretary.

[FR Doc. 2016–18915 Filed 8–9–16; 8:45 am]

BILLING CODE 6750–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency for Healthcare Research and Quality

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Agency for Healthcare Research and Quality, HHS.

ACTION: Notice.

SUMMARY: This notice announces the intention of the Agency for Healthcare Research and Quality (AHRQ) to request that the Office of Management and Budget (OMB) approve the proposed information collection project: *"Agency for Healthcare Research and Quality's (AHRQ) Guide To Improving Patient Safety in Primary Care Settings by Engaging Patients and Families—Evaluation."* In accordance with the Paperwork Reduction Act, 44 U.S.C. 3501–3521, AHRQ invites the public to comment on this proposed information collection.

DATES: Comments on this notice must be received by October 11, 2016.

ADDRESSES: Written comments should be submitted to: Doris Lefkowitz, Reports Clearance Officer, AHRQ, by email at *doris.lefkowitz@AHRQ.hhs.gov.*

Copies of the proposed collection plans, data collection instruments, and specific details on the estimated burden can be obtained from the AHRQ Reports Clearance Officer.

FOR FURTHER INFORMATION CONTACT: Doris Lefkowitz, AHRQ Reports Clearance Officer, (301) 427–1477, or by email at *doris.lefkowitz@AHRQ.hhs.gov.*

SUPPLEMENTARY INFORMATION:

Proposed Project

Agency for Healthcare Research and Quality's (AHRQ) Guide To Improving Patient Safety in Primary Care Settings by Engaging Patients and Families—Evaluation

There is a substantial evidence base showing that engaging patients and families in their care can lead to improvements in patient safety. Since the 1999 release of *To Err is Human,* there has been an undeniable focus on improving patient safety and eliminating patient harm within acute care. What is not as well documented is how to achieve these improvements in primary care settings.

Patient and Family Engagement (PFE) strategies for acute care settings include, among others: Patient and family advisory committees; membership on patient safety oversight bodies at both operations and governance levels; consultation in the development of patient information material; engaging patients in process improvement or redesign projects; rounding with patients and families; patient and family participation in clinical education programs, and welcoming patients and families to work alongside providers and health systems employees on transparency, culture change and high reliability organization initiatives.

Although the field of PFE in patient safety for hospitals and health systems is maturing, leveraging PFE to improve patient safety in non-acute settings is in its infancy. Building sustainable processes and practice-based infrastructure are crucial to improving patient safety through patient and family engagement in primary care.

In response to the limited guidance available for primary care practices to improve safety through patient and family engagement, the AHRQ has funded the development of a *Guide To Improving Patient Safety in Primary Care Settings by Engaging Patients and Families* (hereafter referred to as the Guide). This comprehensive Guide will provide primary care practices with interventions that they can use to engage patients and families in ways that lead to improved patient safety. It will include explicit instructions to help primary care practices, providers, and patients and families adopt new behaviors. The Guide and its development are prefaced on several key insights relevant to primary care including:

- Active engagement requires organizational commitment to hearing the patient and family voice and action by leadership to include them as central members of the health care team.
- Patients and families expect and increasingly demand meaningful engagement in harm prevention efforts.
- Institutional courage is required to openly share patient safety vulnerabilities and proactively engage patients in developing solutions that prevent harm.
- Supportive infrastructure is needed to hardwire PFE into all facets of care delivery across the care continuum.
- When done well, patient engagement yields important and measurable results. When not done well, PFE activities may disenfranchise patients, contribute to misunderstanding about risk, create fissures among members of the clinical care team, and result in lack of trust between patients and providers.

With these insights as a basis, three precepts undergird our approach to development for the Guide. The Guide interventions must yield:

- *Meaningful relationship-based engagement* for patients and families and primary care providers.
- *Innovation and enabling technologies* to support engagement, shared decision making and patient safety.
- *Workable processes* yielding sustainable engagement opportunities for patients, families, providers, and practice staff.

The Guide will be principally (but not exclusively) meeting the needs of practices that have not already implemented effective PFE structures or processes. An environmental scan revealed several promising interventions for consideration for inclusion in the Guide. The four interventions selected as part of the Guide include:

- Teach-back.
- Be Prepared to Be Engaged.
- Medication Management.
- Warm Handoff.

The interventions will be compiled into the Guide for adoption by primary care practices. The environmental scan also yielded several important implications for Guide development including:

- Engagement efforts in primary care to date have focused on the patient as the agent of change with limited guidance to providers on how to support patients in these efforts.
- Many interventions are focused heavily on educational efforts alone, either for the patient, the provider, or the practice.
- Few of the tools and interventions identified are immediately usable without the need for additional development or enabling materials to support sustainable adoption.
- Health equity and literacy considerations are limited. Tools for patients are often at a relatively high level of literacy, and/or health literacy is required for use.
- Current interventions, tools, and toolkits have a high level of complexity that may impede adoption.

Existing evidence-based interventions are being refined to reduce complexity and enhance the opportunity for implementation. Implementation development activities are currently underway. Field testing of the Guide will evaluate the implementation challenges faced by primary care practices whereby offering an opportunity to revise the Guide materials for optimal implementation success prior to widespread dissemination.

The Guide will be made publicly accessible through the AHRQ Web site for easy referral, access, and use by other health care professionals and primary care practices. AHRQ recognizes the importance of ensuring that the Guide will be useful and feasible to implement and ultimately able to improve patient safety by engaging patients and families. Thus, the purpose of the Field Testing evaluation is to gain insight on the implementation challenges identified by the twelve primary care practices field testing the Guide. The Guide materials will be revised in an effort to overcome these implementation challenges prior to broad dissemination.

The specific goals of the proposed Guide field testing evaluation are to examine the following:

- The feasibility of implementing a minimum of two of the four Guide interventions within 12 medium or large primary care practices.
- The challenges to implementing the interventions at the patient, clinician, practice staff, and practice level.
- The uptake and confidence among primary care practices to improve patient safety through patient and family engagement.
- How the implementation of two of the four Guide interventions changes the perception of patient safety among patients, clinicians, and practice staff.
- How the implementation of two of the four Guide interventions changes the perception of patient and family engagement among patients, clinicians, and practice staff.
- Whether primary care practices will continue to use the Guide (or its interventions) beyond the period of field testing and evaluation (*i.e.* examine sustainability).
- What changes patients, clinicians, and practice staff would recommend to the interventions and the Guide to enhance sustainability.

This study is being conducted by AHRQ through its contractor, MedStar, pursuant to AHRQ's statutory authority to conduct and support research on health care and on systems for the delivery of such care, including activities with respect to the quality, effectiveness, efficiency, appropriateness and value of health care services and with respect to quality measurement and improvement. 42 U.S.C. 299a(a)(1) and (2).

Method of Collection

To achieve the goals of the project, the following data collections will be implemented during the Field Testing evaluation:

1. Baseline Practice Assessment of Primary Care Practices. This pen and paper survey will be administered to the 12 primary care practice champions immediately following the recruitment as part of the Guide Field Test and prior to commencing implementation of the Guide. Information collected includes: (i) Practice name and location (*e.g.,* city and State); (ii) non-identifying demographic information about the practice (*e.g.,* number of clinicians by type, number of patients served by the practice, payer mix of patients served by practice, race and ethnicity of patients served by practice); (iii) general descriptive information on the practice's experience with patient safety and quality improvement activities (*e.g.,* current experience with Guide interventions, patient safety culture routinely measured); (iv) information related to the practice's affiliation with larger health system; and (v) information related to any competing priorities or practice improvement initiatives (*e.g.,* patient centered medical home designation, etc.).

2. Post-Implementation Focus Groups for Patients and Families. Information from patients on their experiences with the Guide and its interventions will be solicited twice during the Field test—once at 3-months and again at 6-months post-implementation of the Guide. Each patient and family focus group will aim to recruit between six to eight participants and solicit feedback from patients and family members on their experiences with the Guide materials. Information collected will include: (i) Perceptions of patient safety in primary care practices; (ii) perceptions of patient and family engagement in primary care practices; (iii) feedback from the patient perspective on the Guide materials and their general use; (iv) feasibility of adopting the patient and family focused intervention materials in practice; (v) feedback on the patient and family experiences of the Guide and its relation to patient safety.

3. Baseline Practice Readiness Assessment. Information from primary care practices about their readiness to adopt patient and family engagement strategies will be solicited through telephone interviews with practice staff champions. Information collected will include: (i) Descriptive information on the person completing the interview (*e.g.,* position in the practice, length of employment, experience in implementing patient safety improvements); (ii) description of the patient safety culture of the primary care practice (*e.g.,* teamwork, communication, patient safety culture, etc.,); (iii) perceptions of patient and family engagement within the practice; (iv) perceptions of change management strategies, challenges, and barriers (*e.g.,* leadership support, competing initiatives, other production pressures); (v) capacity for ongoing internal measurement and assessment of the intervention. This process will also solicit general information the interviewee would like to share about the practice's readiness to implement the Guide strategies.

4. Post-Implementation Interviews of Primary Care Clinicians. Information from primary care clinicians (*e.g.,* physicians, nurses, nurse practitioners, social workers, etc.) on their experiences with the Guide and its interventions will be solicited twice during the Field test—once at 3-months and again at 6-months post-implementation of the Guide. Interviews with two or three primary care clinicians per practice will be conducted during Field Testing to solicit feedback on their experiences with the Guide materials. Information collected will include: (i) Perceptions on patient safety in primary care practices; (ii) perceptions of patient and family engagement in primary care practices; (iii) feedback from the clinician perspective on the Guide materials and their general use; (iv) feasibility of adopting the intervention materials in practice; (v) feedback on the clinicians' experiences of the Guide and its relation to patient safety.

5. Post-Implementation Focus Groups for Practice Staff Members. Information from practice staff members (*e.g.,* practice administrators, medical assistants, schedulers, practice facilitators, other non-clinical staff, etc.) on their experiences with the Guide and its interventions will be solicited twice during the Field test—once at 3-months and again at 6-months post-implementation of the Guide. Focus groups with between six to eight primary care practice staff will be conducted in each practice during Field Testing to solicit feedback on their experiences with the Guide materials. Information collected will include: (i) Perceptions on patient safety in primary care practices; (ii) perceptions of patient and family engagement in primary care practices; (iii) feedback from the practice staff perspective on the Guide materials and their general use; (iv) feasibility of adopting the intervention materials in practice; (v) feedback on the

practice staff's experiences of the Guide and its relation to patient safety.

6. Monthly Telephone Interviews with Practice Champions. This survey will be completed over the phone on a monthly basis with the practice champions from the twelve primary care practices engaged in the Field Testing of the Guide. Information collected will include: (i) Current progress towards implementation of the intervention(s); (ii) movement towards target goals set in the prior meeting; (iii) barriers to implementation; (iv) facilitators of implementation; (v) perceived impact on patient safety; (vi) perceived impact on patient and family engagement; (vii) plans for the coming weeks/months.

The Guide will be tested to evaluate the feasibility of adopting it in primary care practices. A mixed-methods approach will be used to identify barriers and facilitators to uptake and sustainability, and to answer the question "How and in what contexts do the chosen interventions work or can they be amended to work", rather than "Do they work?" Testing will occur at up to 12 primary care sites and feasibility will be assessed at the patient, provider, and practice levels. The Guide will be revised based on these findings.

Estimated Annual Respondent Burden

Exhibit 1 shows the estimated annualized burden hours for the respondents' time to participate in this evaluation of the Guide during field testing. Two formative evaluations will be conducted during field testing in twelve primary care practices in at least two geographic regions of the United States. Evaluation efforts will include collection of baseline practice level data prior to Guide implementation and two separate rounds of focus groups and interviews conducted 3 months and 6 months after Guide implementation. Baseline assessments will be conducted on paper via phone consultation between the Contractor and the local practice champion and will take between 30 to 60 minutes. Patient focus groups will be conducted at the 3- and 6-month evaluation periods; each lasting between 60 to 90 minutes. Practice staff focus groups will be conducted during each of the site visits, conducted outside regular practice hours, and last between 60–90 minutes. Primary care clinician interviews will last approximately 45 minutes. We estimate that approximately 12 individuals will participate in the monthly telephone interviews over the 9-month implementation and evaluation period.

EXHIBIT 1—ESTIMATED ANNUALIZED BURDEN HOURS

Form name	Number of respondents	Number of responses per respondent	Hours per response	Total burden hours
Baseline Practice Assessment	12	1	1	12
Post-Implementation Focus Group for Patients and Family Members	72	2	1.5	216
Interview Guide—Baseline Practice Readiness	12	1	.75	9
Post-Implementation Interview Protocol—Providers	24	2	.75	36
Post-Implementation Focus Group Protocol—Practice Staff	72	2	1.5	216
Topic guide for Telephone Protocol—Guide Practice Champions	12	6	.5	36
Total	204	NA	NA	525

Exhibit 2 shows the estimated annualized cost burden based on the respondents' time to participate in this project. The total cost burden is estimated to be $18,629.16.

EXHIBIT 2—ESTIMATED ANNUALIZED COST BURDEN

Form name	Number of respondents	Total burden hours	Average hourly wage rate*	Total cost burden
Baseline Practice Assessment	12	12	[a] 37.40	448.80
Post-Implementation Focus Group for Patients and Family Members	72	216	[c] 23.23	5,017.68
Interview Guide—Baseline Practice Readiness	12	9	[a] 37.40	336.60
Post-Implementation Interview Protocol—Providers	24	36	[b] 94.48	3,401.28
Post-Implementation Focus Group Protocol—Practice Staff	72	216	[a] 37.40	8,078.40
Topic guide for Telephone Protocol—Guide Practice Champions	12	36	[a] 37.40	1,346.40
Total	204	525	....	18,629.16

* National Compensation Survey: Occupational wages in the United States May 2015, "U.S. Department of Labor, Bureau of Labor Statistics." *http://www.bls.gov/oes/current/oes_nat.htm.*

[a] Based on the mean wages for Miscellaneous Health care Worker (Code 29–9090).

[b] Based on the mean wages for Internists, General (Code 29–1063).

[c] Based on the mean wages for All Occupations (Code 00–0000).

Request for Comments

In accordance with the Paperwork Reduction Act, comments on AHRQ's information collection are requested with regard to any of the following: (a) Whether the proposed collection of information is necessary for the proper performance of AHRQ health care research and health care information dissemination functions, including whether the information will have practical utility; (b) the accuracy of AHRQ's estimate of burden (including hours and costs) of the proposed collection(s) of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information upon the respondents, including the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and included in the Agency's subsequent request for OMB approval of the proposed information collection. All comments will become a matter of public record.

Sharon B. Arnold,

Deputy Director.

[FR Doc. 2016–18995 Filed 8–9–16; 8:45 am]

BILLING CODE 4160–90–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[60Day–16–16AWP; Docket No. CDC–2016–0075]

Proposed Data Collection Submitted for Public Comment and Recommendations

AGENCY: Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

ACTION: Notice with comment period.

SUMMARY: The Centers for Disease Control and Prevention (CDC), as part of its continuing efforts to reduce public burden and maximize the utility of government information, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995. This notice invites comment on a proposed study to examine the facilitators and barriers to receiving clinical preventive services among newly insured medically underserved women who had previously been served by the National Breast and Cervical Cancer Early Detection Program (NBCCEDP). The purpose of this survey is to assess if newly insured women receive appropriate clinical preventive health services, what barriers and facilitators these women experience, and if they are able to maintain consistent health insurance coverage.

DATES: Written comments must be received on or before October 11, 2016.

ADDRESSES: You may submit comments, identified by Docket No. CDC–2016–0075 by any of the following methods:

- *Federal eRulemaking Portal: Regulations.gov.* Follow the instructions for submitting comments.
- *Mail:* Jeffrey M. Zirger, Information Collection Review Office, Centers for Disease Control and Prevention, 1600 Clifton Road NE., MS–D74, Atlanta, Georgia 30329.

Instructions: All submissions received must include the agency name and Docket Number. All relevant comments received will be posted without change to *Regulations.gov*, including any personal information provided. For access to the docket to read background documents or comments received, go to *Regulations.gov.*

Please note: All public comment should be submitted through the Federal eRulemaking portal (*Regulations.gov*) or by U.S. mail to the address listed above.

FOR FURTHER INFORMATION CONTACT: To request more information on the proposed project or to obtain a copy of the information collection plan and instruments, contact the Information Collection Review Office, Centers for Disease Control and Prevention, 1600 Clifton Road NE., MS–D74, Atlanta, Georgia 30329; phone: 404–639–7570; Email: *omb@cdc.gov.*

SUPPLEMENTARY INFORMATION: Under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501–3520), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. In addition, the PRA also requires Federal agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each new proposed collection, each proposed extension of existing collection of information, and each reinstatement of previously approved information collection before submitting the collection to OMB for approval. To comply with this requirement, we are publishing this notice of a proposed data collection as described below.

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; to develop, acquire, install and utilize technology and systems for the purpose of collecting, validating and verifying information, processing and maintaining information, and disclosing and providing information; to train personnel and to be able to respond to a collection of information, to search data sources, to complete and review the collection of information; and to transmit or otherwise disclose the information.

Proposed Project

Women's Preventive Health Services Study—New—National Center for Chronic Disease Prevention and Health Promotion (NCCDPHP), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

The National Breast and Cervical Cancer Early Detection Program (NBCCEDP) provides free or low-cost breast and cervical cancer screening and diagnostic services to low-income, uninsured, and underserved women. The NBCCEDP is an organized screening program with a full complement of services including outreach and patient education, patient navigation, case management, professional development, and tracking and follow-up that contribute to the program's success. Compared to when the NBCCEDP was established, more women are eligible for insurance coverage but there are still many women who are not insured and many insured women not obtaining preventive services that they are eligible to receive. Currently, the NBCCEDP not only provides screening services to uninsured and underinsured, but has expanded its services to include population-based activities that prevent missed opportunities and ensure that all women receive appropriate breast and cervical cancer screening.

Previous research suggests that access to health care through insurance alone does not ensure adherence to cancer screening, as many individual, cultural, and community factors serve as barriers to preventive service use. With recent increases in the numbers of women who are insured, there is a need to understand the experiences of women who had been served by the NBCCEDP and become newly insured. This project will inform the development of future activities of the NBCCEDP so that all women receive the information and support services needed for obtaining clinical preventive services.

The purpose of this project is to examine the facilitators and barriers to receiving clinical preventive services among newly insured medically underserved women who had previously been served by the NBCCEDP. The Women's Preventive Services Study aims to survey newly insured women about what clinical preventive health services they receive, what barriers and facilitators they experience, and their ability to maintain consistent health insurance coverage.

While having newly acquired health insurance will improve access to preventive services, insurance coverage alone would not result in improved clinical preventive services utilization for all women, especially among underserved populations. This project proposes to follow a group of women previously served by the NBCCEDP over 3 years by administering a yearly questionnaire.

This study will focus on the following research questions:

1. What are the insurance coverage patterns (*e.g.*, public or private insurance) for a sample of medically underserved women previously screened through the NBCCEDP?
2. What barriers and facilitators do these women face in enrolling in new insurance coverage?
3. What preventive health services, including cancer screening, do these women receive?
4. What barriers and facilitators do these women face in accessing preventive health services through their new coverage?
5. What are the non-financial and financial costs to these women?

The respondents will be uninsured or underinsured women who previously had been screened through the NBCCEDP but now have health insurance coverage. To be potentially eligible for the study, women must be between the ages of 30–62 years, a U.S. Citizen or U.S. permanent resident, resident of the state where they received NBCCEDP services, and English or Spanish speaking. Additionally, women must meet one of the prior screening criteria: (1) Having received a Pap test through a NBCCEDP state program not less than 1 year but not more than 4 years from the time of study implementation OR (2) received a Pap/HPV co-test through a NBCCEDP grantee not less than 3 years but not more than 5 years from the time of study implementation OR (3) received a mammogram through a NBCCEDP grantee not less than 1 year but not more than 3 years from the time of study implementation.

NBCCEDP state programs will identify potentially eligible women and consent the women to have their contact information shared for the study. The women who agree will receive an invitation letter to participate in the study through an on-line survey. The first step of the on-line survey will be a set of screener questions to determine whether they have insurance coverage. Only those who currently have insurance will be eligible to continue with the main survey instrument. Women who complete the survey will be asked to repeat the survey annually the next 2 years.

The sample design proposes that 14,240 women be identified as eligible. We estimate that 80% will be contacted and agree to participate. Of that, we expect 9,683 completed on-line screenings to occur during year one, representing an annualized 3,288 respondents. With an 85% expected completion rate and annual attrition, we estimate that 3,292 surveys will be completed in Year 1; 2,222 completed surveys in Year 2; and 1,500 completed surveys in Year 3. This represents an annualized 2,338 respondents for the survey.

OMB approval is requested for three years. Participation is voluntary and there are no costs to respondents other than their time. The estimated annualized burden hours for this data collection are 1,243 hours.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondents	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)	Total burden (in hours)
Women aged 30–62 who previously received services in the NBCCEDP.	Screener	3,228	1	5/60	269
	Survey	2,338	1	25/60	974
Total					1,243

Jeffrey M. Zirger,

Health Scientist, Acting Chief, Information Collection Review Office, Office of Scientific Integrity, Office of the Associate Director for Science, Office of the Director, Centers for Disease Control and Prevention.

[FR Doc. 2016–18938 Filed 8–9–16; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[60 Day–16–16AWN: Docket No. CDC–2016–0080]

Proposed Data Collection Submitted for Public Comment and Recommendations

AGENCY: Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

ACTION: Notice with comment period.

SUMMARY: The Centers for Disease Control and Prevention (CDC), as part of its continuing efforts to reduce public burden and maximize the utility of government information, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995. This notice invites comment on the National Youth Tobacco Survey (NYTS) 2017 Computer Based Pilot. The NYTS is currently administered in a paper and pencil format. The NYTS Computer Based Pilot will assess the feasibility of administering the survey in an electronic format.

DATES: Written comments must be received on or before October 11, 2016.

ADDRESSES: You may submit comments, identified by Docket No. CDC–2016–0080 by any of the following methods:

- *Federal eRulemaking Portal: Regulations.gov*. Follow the instructions for submitting comments.
- *Mail:* Jeffrey M. Zirger, Information Collection Review Office, Centers for Disease Control and Prevention, 1600 Clifton Road NE., MS–D74, Atlanta, Georgia 30329.

Instructions: All submissions received must include the agency name and Docket Number. All relevant comments received will be posted without change to *Regulations.gov*, including any personal information provided. For access to the docket to read background documents or comments received, go to *Regulations.gov*.

Please note: All public comment should be submitted through the Federal eRulemaking portal (Regulations.gov) or by U.S. mail to the address listed above.

FOR FURTHER INFORMATION CONTACT: To request more information on the proposed project or to obtain a copy of the information collection plan and instruments, contact the Information Collection Review Office, Centers for Disease Control and Prevention, 1600 Clifton Road NE., MS–D74, Atlanta, Georgia 30329; phone: 404–639–7570; Email: *omb@cdc.gov*.

SUPPLEMENTARY INFORMATION: Under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501–3520), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. In addition, the PRA also requires Federal agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each new proposed collection, each proposed extension of existing collection of information, and each reinstatement of previously approved information collection before submitting the collection to OMB for approval. To comply with this requirement, we are publishing this notice of a proposed data collection as described below.

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; to develop, acquire, install and utilize technology and systems for the purpose of collecting, validating and verifying information, processing and maintaining information, and disclosing and providing information; to train personnel and to be able to respond to a collection of information, to search data sources, to complete and review the collection of information; and to transmit or otherwise disclose the information.

Proposed Project

National Youth Tobacco Survey (NYTS) 2017 Computer Based Pilot—New—National Center for Chronic Disease Prevention and Health Promotion (NCCDPHP), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

Tobacco use is a major preventable cause of morbidity and mortality in the U.S. A limited number of health risk behaviors, including tobacco use, account for the overwhelming majority of immediate and long-term sources of morbidity and mortality. Because the majority of tobacco users begin using tobacco before the age of 18, there is a critical need for public health programs directed towards youth, and for information to support these programs.

In 1999, 2000, and 2002, the American Legacy Foundation funded surveys to assess tobacco use among adolescents. Building on these efforts, CDC conducted the National Youth Tobacco Survey (NYTS, OMB no. 0920–0621) in 2004, 2006, 2009, 2011, 2012, 2013, 2014, 2015, and 2016. At present, the NYTS is the most comprehensive source of nationally representative tobacco data among students in grades 9–12, moreover, the NYTS is the only national source of such data for students in grades 6–8. The NYTS has provided national estimates of tobacco use behaviors, information about exposure to pro- and anti-tobacco influences, information about racial and ethnic disparities in tobacco-related topics, and most recently, estimates of use of emerging products such as water pipes (hookahs) and electronic cigarettes (e-cigarettes). Information collected through the NYTS is used by CDC, the Food and Drug Administration (FDA), and public health practitioners and researchers to identify and monitor trends over time, to inform the development of tobacco cessation programs for youth, and to evaluate the effectiveness of existing interventions and programs.

The NYTS is currently conducted by a paper and pencil (PAP) method in a classroom setting, scheduled by each school. At this time, many schools have experience with electronic technologies that offer several potential advantages compared to PAP survey administration. For example, electronic information collection methods support conditional 'skip logic' routing and adaptive survey design, and may improve respondent satisfaction, data reliability, and data management. As a result, CDC plans to conduct a computer based pilot of the 2017 NTYS using a hand-held tablet. The specific aims of the 2017 NYTS pilot are to (1) assess respondent burden; (2) determine the reliability and efficiencies of electronic mode data collection; (3) assess the reliability and validity of survey results obtained from electronic data; (4) assess the cost-effectiveness of electronic administration; (5) measure the length of time between data collection and dissemination of findings; and (6) assess student expectations about survey participation, given changes in classroom technology.

The computer-based pilot study is designed to complement the ongoing, paper-based NYTS. In 2017, the PAP version of the NYTS will be administered as usual according to established methods (OMB No. 0920–0621, exp. 1/31/2018). Sampling, recruitment, and survey administration for both studies will be coordinated to prevent overlap, maximize participation, and maximize the comparison of results. The sampling vendor for the traditional NYTS will oversample from the NYTS sampling frame, assigning a smaller population to participate in the pilot study. The sample for the pilot study will be approximately 75% of the size of the sample for the paper-based NYTS. The samples for each mode of the survey will be drawn at the same time to ensure that the same schools are not approached for the different versions. Additionally, the paper version of the survey will start collecting data prior to the pilot version beginning data collection to ensure schools in the same district do not face multiple collectors during the same time period.

The 2017 computer-based pilot of the NYTS will be conducted among a nation-wide sample of students attending public schools in grades 6–12. Participating students will complete the survey in person in a classroom setting using a tablet provided by CDC's information collection contractor. The tablet will be distributed at the beginning of the class session and returned at the end of the class session. This is similar to administration of the PAP NYTS, in which a paper questionnaire booklet is distributed to students at the beginning of a class session, completed, and returned at the end of the session.

The content of the 2017 pilot survey will mirror the paper-based survey. The questions, developed in cooperation with the Food and Drug Administration (FDA), examine the following topics: Use of cigarettes, smokeless tobacco, cigars, pipes, bidis, snus, hookahs, electronic vapor products, and dissolvable tobacco products; knowledge and attitudes; media and advertising; access to tobacco products; secondhand smoke exposure; and cessation. In addition, specific questions will be included in the pilot survey to better understand respondents' feelings about safety and security around utilizing a computer based survey.

Findings from the NYTS pilot will be used to assess the feasibility of conducting the computer-based NYTS compared to the paper-based survey. Results will also be used to help evaluate the impact of automated collection techniques and computer-based survey administration on response burden. After data collection, the computer-based data will be compared to the paper-based data to determine which method provides the most validity and reliability.

OMB approval will be requested for one year. There are no changes in the estimated burden per response for any type of respondent compared to the paper version. Participation is voluntary and there are no costs to respondents other than their time. The estimated annualized burden hours for this data collection are 3,689 hours.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondents	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hrs.)	Total burden (in hrs.)
State Administrators	State-level Recruitment Script for the National Youth Tobacco Survey.	6	1	30/60	3
District Administrators	District-level Recruitment Script for the National Youth Tobacco Survey.	45	1	30/60	23
School Administrators	School-level Recruitment Script for the National Youth Tobacco Survey.	64	1	30/60	32
Teachers	Data Collection Checklist for the National Youth Tobacco Survey.	292	1	15/60	73
Students	National Youth Tobacco Survey	6,100	1	35/60	3,558
Total					3,689

Jeffrey M. Zirger,

Health Scientist, Acting Chief, Information Collection Review Office, Office of Scientific Integrity, Office of the Associate Director for Science, Office of the Director.

[FR Doc. 2016–18937 Filed 8–9–16; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[60Day–16–16AXC; Docket No. CDC–2016–0077]

Proposed Data Collection Submitted for Public Comment and Recommendations

AGENCY: Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

ACTION: Notice with comment period.

SUMMARY: The Centers for Disease Control and Prevention (CDC), as part of its continuing efforts to reduce public burden and maximize the utility of government information, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995. This notice invites comment on a proposed field survey to assess safety and health hazards to workers in oil and gas (O&G.) extraction.

DATES: Written comments must be received on or before October 11, 2016.

ADDRESSES: You may submit comments, identified by Docket No. CDC–2016–0077 by any of the following methods:

- Federal eRulemaking Portal: *Regulations.gov.* Follow the instructions for submitting comments.
- Mail: Jeffrey M. Zirger, Information Collection Review Office, Centers for Disease Control and Prevention, 1600 Clifton Road, NE., MS–D74, Atlanta, Georgia 30329.

Instructions: All submissions received must include the agency name and Docket Number. All relevant comments received will be posted without change to *Regulations.gov*, including any personal information provided. For access to the docket to read background documents or comments received, go to *Regulations.gov.*

Please note: All public comment should be submitted through the Federal eRulemaking portal (Regulations.gov) or by U.S. mail to the address listed above.

FOR FURTHER INFORMATION CONTACT: To request more information on the proposed project or to obtain a copy of the information collection plan and instruments, contact the Information Collection Review Office, Centers for Disease Control and Prevention, 1600 Clifton Road NE., MS–D74, Atlanta, Georgia 30329; phone: 404–639–7570; Email: *omb@cdc.gov.*

SUPPLEMENTARY INFORMATION: Under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501–3520), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. In addition, the PRA also requires Federal agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each new proposed collection, each proposed extension of existing collection of information, and each reinstatement of previously approved information collection before submitting the collection to OMB for approval. To comply with this requirement, we are publishing this notice of a proposed data collection as described below.

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; to develop, acquire, install and utilize technology and systems for the purpose of collecting, validating and verifying information, processing and maintaining information, and disclosing and providing information; to train personnel and to be able to respond to a collection of information, to search data sources, to complete and review the collection of information; and to transmit or otherwise disclose the information.

Proposed Project

Assessing Safety and Health Hazards to Workers in Oil and Gas Extraction: A Survey—New Information Collection Request—National Institute for Occupational Safety and Health (NIOSH), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

The mission of the National Institute for Occupational Safety and Health (NIOSH) is to promote safety and health at work for all people through research and prevention. The Occupational Safety and Health Act, 91 (section 20[a][1]), authorizes NIOSH to conduct research to advance the health and safety of workers. NIOSH is proposing a two year study to conduct a survey questionnaire of 500 land-based oil and gas (O&G) extraction workers in 5 U.S. states (Texas, North Dakota, Colorado, Oklahoma and a state in the Appalachian Basin) to examine safety and health issues and concerns of this workforce. Workers who drive as a part of their work duties will be asked to complete an additional set of questions about their driving environment and behaviors. We expect a response rate of 80%, so it is estimated that we will approach 625 workers in order to have 500 workers complete the survey.

The goals of this study are (1) To determine on-duty and off-duty factors that contribute to motor vehicle crashes, injuries and illness among U.S. land-based O&G extraction workers and (2) To identify other safety and health needs and concerns of U.S. land-based O&G extraction workers, a largely non-unionized workforce. The results of this study will guide the development of evidence-based and priority interventions and future research in the O&G extraction industry that will improve the safety and health of O&G workers.

Administration of the survey questionnaire will occur at temporary modular lodging facilities ('man camps'), training centers, equipment/trucking yards, well sites, and community centers in oilfield towns. A screening questionnaire, "Module 1: Screening" will be administered to 313 workers per year (for 2 years) to determine that the worker is eligible for the survey. This questionnaire will take about 5 minutes. NIOSH anticipates that up to 63 workers per year (20% of screened workers) will be eligible but not interested in participating in this study. These workers will be asked to complete a brief, 6-question "Non-Respondent Questionnaire", which will take about 5 minutes. Approximately 250 workers per year (for 2 years) will be eligible and agree to participate in the study (80% response rate). These workers will complete "Module 2: General," "Module 3: Well-site work," and "Module 5: Closing Questions" (approximately 225 workers will use the tablet version and 25 will opt to use the hardcopy version). "Module 5: Closing Questions" includes a brief interview with program staff. The questionnaire and interview will take approximately 25 minutes to complete for workers using the tablet as well as for those using the hardcopy version. Workers who drive a company vehicle will also be asked to complete "Module 4: Motor Vehicle." An estimated 75% of the workers will complete the driving portion of the survey (187 workers). This module will take approximately 5 additional minutes to complete for those using the tablet (approximately 168 workers per year)as well as 5 minutes for those completing the hardcopy version (19 workers per year).

Comments submitted in response to this notice will be reviewed and addressed prior to OMB application submission. There is no cost to respondents other than their time. The estimated annualized burden hours for this data collection are 154 hours.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondents	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hrs.)	Total burden (in hrs.)
Presumed O&G Extraction Workers	Module 1: Screening	313	1	5/60	27
O&G Extraction Workers	Non Respondent Questionnaire	63	1	5/60	6
O&G Extraction Workers	Tablet Version Modules 2: General Module 3: Well Site Work, and Module 5: Closing Questions.	225	1	25/60	94
O&G Extraction Workers	Hardcopy Version Modules 2: General Module 3: Well Site Work, and Module 5: Closing Questions.	25	1	25/60	11
O&G Extraction Workers who drive at work.	Tablet Version Module 4: Motor Vehicle.	168	1	5/60	14
O&G Extraction Workers who drive at work.	Hardcopy Version Module 4: Motor Vehicle.	19	1	5/60	2
Total					154

Jeffrey M. Zirger,

Acting Chief, Information Collection Review Office, Health Scientist, Office of Scientific Integrity, Office of the Associate Director for Science, Office of the Director, Centers for Disease Control and Prevention.

[FR Doc. 2016–18940 Filed 8–9–16; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[60Day–16–16AXB; Docket No. CDC–2016–0076]

Proposed Data Collection Submitted for Public Comment and Recommendations

AGENCY: Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

ACTION: Notice with comment period.

SUMMARY: The Centers for Disease Control and Prevention (CDC), as part of its continuing efforts to reduce public burden and maximize the utility of government information, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995. This notice invites comment on Information Collection on Feasibility of Social Distancing Measures in K–12 Schools in the United States, which is being conducted to determine if the implementation of social distancing strategies other than school closures can be accomplished without causing major detrimental effects to ongoing education activities.

DATES: Written comments must be received on or before October 11, 2016.

ADDRESSES: You may submit comments, identified by Docket No. CDC–2016–0076 by any of the following methods:

- *Federal eRulemaking Portal: Regulations.gov.* Follow the instructions for submitting comments.
- *Mail:* Jeffrey M. Zirger, Information Collection Review Office, Centers for Disease Control and Prevention, 1600 Clifton Road NE., MS–D74, Atlanta, Georgia 30329.

Instructions: All submissions received must include the agency name and Docket Number. All relevant comments received will be posted without change to *Regulations.gov*, including any personal information provided. For access to the docket to read background documents or comments received, go to *Regulations.gov.*

Please note: All public comment should be submitted through the Federal eRulemaking portal (Regulations.gov) or by U.S. mail to the address listed above.

FOR FURTHER INFORMATION CONTACT: To request more information on the proposed project or to obtain a copy of the information collection plan and instruments, contact the Information Collection Review Office, Centers for Disease Control and Prevention, 1600 Clifton Road NE., MS–D74, Atlanta, Georgia 30329; phone: 404–639–7570; Email: *omb@cdc.gov.*

SUPPLEMENTARY INFORMATION: Under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501–3520), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. In addition, the PRA also requires Federal agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each new proposed collection, each proposed extension of existing collection of information, and each reinstatement of previously approved information collection before submitting the collection to OMB for approval. To comply with this requirement, we are publishing this notice of a proposed data collection as described below.

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; to develop, acquire, install and utilize technology and systems for the purpose of collecting, validating and verifying information, processing and maintaining information, and disclosing and providing information; to train personnel and to be able to respond to a collection of information, to search data sources, to complete and review the collection of information; and to transmit or otherwise disclose the information.

Proposed Project

Feasibility of Social Distancing Measures in K–12 Schools in the United States—New—National Center for Emerging and Zoonotic Infectious Diseases (NCEZID), Division of Global Migration and Quarantine (DGMQ), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

The Centers for Disease Control and Prevention (CDC), National Center for Emerging and Zoonotic Infectious Diseases (NCEZID), Division of Global Migration and Quarantine (DGMQ), requests approval of a new information collection to identify social distancing strategies to reduce person-to-person contact among students and staff in K–12 schools that are implementable without causing major detrimental effects to ongoing education activities. CDC is requesting a one-year approval to collect information.

The information collection for which approval is sought is in accordance with DGMQ/CDC's mission to reduce morbidity and mortality in mobile populations, and to prevent the introduction, transmission, or spread of communicable diseases within the United States. Insights gained from this information collection will assist in the planning and implementation of CDC Pre-Pandemic Community Mitigation Guidance on the use of school-based measures to slow transmission during an influenza pandemic.

School-aged children are often the main introducers and an important transmission source of influenza and other respiratory viruses in their families, and school-based outbreaks frequently pre-date wide-spread influenza transmission in the surrounding communities. Therefore, infection control measures undertaken to reduce virus transmission among children at schools may also help prevent or postpone influenza outbreaks in communities. In respiratory transmission of influenza, proximity to the person with influenza plays a significant role. Strategies that increase physical distance between students and/or reduce the duration of person to person contact in school settings may, theoretically, be effective in slowing influenza transmission. There have been no evaluations to date of feasibility of implementing social distancing measures other than school closures. Therefore, there is a need to research alternative social distancing strategies that can help reduce influenza transmission in schools while minimizing social and economic burdens on the community.

CDC staff proposes that the information collection for this package will target senior educators in each of the 10 HHS regions. CDC will collect qualitative data on current knowledge, attitudes, and practices with regard to organizing and delivering K–12 instruction in ways that help increase space between students and/or reduce daily duration of in-person instruction, while preserving the normal education process; this will be accomplished through focus group discussions.

Findings obtained from this information collection will be used to inform the update CDC's Pre-pandemic Community Mitigation Guidance on the implementation of school related measures to prevent the spread of influenza. This Guidance is used as an important planning and reference tool for both State and local health departments in the United States.

There is no cost to respondents other than their time. The estimated annualized burden hours for this data collection are 1,400 hours.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondents	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)	Total burden (in hours)
Senior educators (*e.g.* school principals, superintendents, teachers, senior leaders from state agencies, etc.).	Social Distancing Questionnaire Form.	700	1	2	1,400
Total	....	....	....	....	1,400

Jeffrey M. Zirger,

Health Scientist, Acting Chief, Information Collection Review Office, Office of Scientific Integrity, Office of the Associate Director for Science, Office of the Director, Centers for Disease Control and Prevention.

[FR Doc. 2016–18939 Filed 8–9–16; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[60Day–16–16AWJ; Docket No. CDC–2016–0082]

Proposed Data Collection Submitted for Public Comment and Recommendations

AGENCY: Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

ACTION: Notice with comment period.

SUMMARY: The Centers for Disease Control and Prevention (CDC), as part of its continuing efforts to reduce public burden and maximize the utility of government information, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995. This notice invites comment on the "Behavioral Risk Factor Surveillance System (BRFSS) Asthma Call-back Survey (ACBS)." The ACBS is an in-depth asthma survey conducted on a subset of BRFSS respondents with an asthma diagnosis. The goal of this survey is to strengthen the existing body of asthma data and to address critical questions surrounding the health and experiences of persons with asthma.

DATES: Written comments must be received on or before October 11, 2016.

ADDRESSES: You may submit comments, identified by Docket No. CDC–2016–0082 by any of the following methods:

- *Federal eRulemaking Portal: Regulations.gov.* Follow the instructions for submitting comments.
- *Mail:* Jeffrey M. Zirger, Information Collection Review Office, Centers for Disease Control and Prevention, 1600 Clifton Road NE., MS–D74, Atlanta, Georgia 30329.

Instructions: All submissions received must include the agency name and Docket Number. All relevant comments received will be posted without change to *Regulations.gov*, including any personal information provided. For access to the docket to read background documents or comments received, go to *Regulations.gov*.

Please note: *All public comment should be submitted through the Federal eRulemaking portal (*Regulations.gov*) or by U.S. mail to the address listed above.*

FOR FURTHER INFORMATION CONTACT: To request more information on the proposed project or to obtain a copy of the information collection plan and instruments, contact the Information Collection Review Office, Centers for Disease Control and Prevention, 1600 Clifton Road NE., MS–D74, Atlanta, Georgia 30329; phone: 404–639–7570; Email: *omb@cdc.gov.*

SUPPLEMENTARY INFORMATION: Under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501–3520), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. In addition, the PRA also requires Federal agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each new proposed collection, each proposed extension of existing collection of information, and each reinstatement of previously approved information collection before submitting the collection to OMB for approval. To comply with this requirement, we are publishing this notice of a proposed data collection as described below.

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; to develop, acquire, install and utilize technology and systems for the purpose of collecting, validating and verifying information, processing and maintaining information, and disclosing and providing information; to train personnel and to be able to respond to a collection of information, to search data sources, to complete and review the collection of information; and to transmit or otherwise disclose the information.

Proposed Project

Behavioral Risk Factor Surveillance System (BRFSS) Asthma Call-back Survey (ACBS)—Existing Collection in Use without an OMB Control Number—National Center for Environmental Health NCEH), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

The Centers for Disease Control and Prevention (CDC) is requesting a three-year Paperwork Reduction Act (PRA) clearance to conduct information collection under "The Behavioral Risk Factor Surveillance System (BRFSS) Asthma Call-back Survey (ACBS)." The ACBS is an existing collection in use without an OMB Control Number.

BRFSS (OMB Control No. 0920–1061, expiration date 3/31/2018) is a nationwide system of customized, cross-sectional telephone health surveys sponsored by CDC's National Center for Chronic Disease Prevention and Health Promotion (NCCDPHP) Division of Population Health. The BRFSS information collection is conducted in a continuous, three-part telephone interview process: Screening, participation in a common BRFSS core survey, and participation in optional question modules that states use to customize survey content.

The ACBS is not an optional state module, but rather, is a follow-up survey to the regular BRFSS efforts. It is funded by the National Asthma Control Program (NACP) in the Air Pollution and Respiratory Health Branch (APRHB) of the National Center for Environmental Health (NCEH). The ACBS is administered by NCCDPHP on behalf of NCEH using its existing BRFSS sampling frame. BRFSS coordinators in the health departments in U.S. states, territories, and the District of Columbia (collectively referred to as states) are responsible for survey administration. Currently CDC provides its 40 participating states with technical and methodological assistance.

The purpose of ACBS is to gather state-level asthma data and to make them available to track the burden of the disease, to monitor adherence to asthma guidelines, and to direct and evaluate interventions undertaken by asthma control programs located in state health departments. Beyond asthma prevalence estimates, for most states, the ACBS provides the only sources of adult and child asthma data on the state and local level.

As a follow-up, the ACBS is conducted within two weeks after the BRFSS survey. Data collection for ACBS involves screening, obtaining permission, consenting and telephone interviewing on a subset of the BRFSS respondents from participating states. The ACBS eligible respondents are BRFSS adults, 18 years and older, who report ever being diagnosed with asthma. In addition, some states include children, below 18 years of age, who are randomly selected subjects in the BRFSS household. Parents or guardians serve as ACBS proxy respondents for their children ever diagnosed with asthma. If both the BRFSS adult respondent and the selected child in the household have asthma, then only one or the other is eligible for the ACBS.

The ACBS adds considerable state-level depth to the existing body of asthma data. It addresses critical questions surrounding the health and experiences of persons with asthma. Health data include symptoms, environmental factors, and medication use among persons with asthma. Data on their experiences include activity limitation, health system use, and self-management education. These asthma data are needed to direct and evaluate interventions undertaken by asthma control programs located in state health departments. Federal agencies and other entities also rely on this critical information for planning and evaluating efforts and to reduce the burden from this disease.

The CDC makes annual ACBS datasets available for public use and provides guidance on statistically appropriate uses of the data. Participation in the ACBS is voluntary and there are no costs to respondents other than their time. The burden table reflects the landline and cell phone data collection methods used in 2013 and later years. Additionally, the burden table accounts for reporting burden incurred by the states for the monthly or quarterly data submission to CDC. The burden hour estimates represent the 2013 data collection which is the most recent data released.

There is no cost to the respondents other than their time. The total estimated annualized burden hours for all respondents are 6,029 hours.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondents	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hrs)	Total burden (in hrs)
BRFSS Adults	ACBS Landline Screener—Adult	21,424	1	1/60	357
	ACBS Cell Phone Screener—Adult	8,976	1	1/60	150
BRFSS Parents or Guardians of Children.	ACBS Landline Screener—Child	4,245	1	1/60	71
	ACBS Cell Phone Screener—Child	2,238	1	1/60	37
ACBS Adults	ACBS Adult Consent and Survey—2013.	19,954	1	10/60	3,326
ACBS Parents or Guardians of Children.	ACBS Child Consent and Survey—2013.	3,887	1	10/60	648
State BRFSS Coordinators	ACBS Data Submission Layout	40	12	3	1,440
Total					6,029

Jeffrey M. Zirger,

Health Scientist, Acting Chief, Information Collection Review Office, Office of Scientific Integrity, Office of the Associate Director for Science, Office of the Director, Centers for Disease Control and Prevention.

[FR Doc. 2016–18935 Filed 8–9–16; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[60Day–16–16AWE: Docket No. CDC–2016–0078]

Proposed Data Collection Submitted for Public Comment and Recommendations

AGENCY: Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

ACTION: Notice with comment period.

SUMMARY: The Centers for Disease Control and Prevention (CDC), as part of its continuing efforts to reduce public burden and maximize the utility of government information, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995. This notice invites comment on the Information Collection for Tuberculosis Data from Referring Entities to CureTB. CureTB is intended to provide continuity of care for individuals affected by TB who enter US jurisdictions from foreign nations who or who leave US jurisdictions bound for foreign nations.

DATES: Written comments must be received on or before October 11, 2016.

ADDRESSES: You may submit comments, identified by Docket No. CDC–2016–0078 by any of the following methods:

- *Federal eRulemaking Portal: Regulations.gov.* Follow the instructions for submitting comments.
- *Mail:* Jeffrey M. Zirger, Information Collection Review Office, Centers for Disease Control and Prevention, 1600 Clifton Road, NE., MS–D74, Atlanta, Georgia 30329.

Instructions: All submissions received must include the agency name and Docket Number. All relevant comments received will be posted without change to *Regulations.gov*, including any personal information provided. For access to the docket to read background documents or comments received, go to *Regulations.gov*.

Please note: All public comment should be submitted through the Federal eRulemaking portal (Regulations.gov) or by U.S. mail to the address listed above.

FOR FURTHER INFORMATION CONTACT: To request more information on the proposed project or to obtain a copy of the information collection plan and instruments, contact the Information Collection Review Office, Centers for Disease Control and Prevention, 1600 Clifton Road, NE., MS–D74, Atlanta, Georgia 30329; phone: 404–639–7570; Email: *omb@cdc.gov.*

SUPPLEMENTARY INFORMATION:

Under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501–3520), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. In addition, the PRA also requires Federal agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each new proposed collection, each proposed extension of existing collection of information, and each reinstatement of previously approved information collection before submitting the collection to OMB for approval. To comply with this requirement, we are publishing this notice of a proposed data collection as described below. Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; to develop, acquire, install and utilize technology and systems for the purpose of collecting, validating and verifying information, processing and maintaining information, and disclosing and providing information; to train personnel and to be able to respond to a collection of information, to search data sources, to complete and review the collection of information; and to transmit or otherwise disclose the information.

Proposed Project

Information Collection for Tuberculosis Data From Referring Entities to CureTB—New—National Center for Emerging Zoonotic and Infectious Diseases (NCEZID), Centers for Disease Control and Prevention (CDC)

Background and Brief Description

CDC is assuming the administration of the CureTB program from the San Diego Public Health Department. CureTB works with domestic and international programs to protect the U.S. public by preventing the global development of drug resistance and reducing disease transmission and importation of infectious TB. These goals are accomplished through CureTB referral and continuity of care services for mobile TB patients.

CDC is seeking OMB clearance for three years of information collection.

Lack of treatment adherence and inappropriate selection of medications are prime reasons for the continued emergence and spread of resistant strains. To combat this, CureTB assures patients understand how to remain adherent despite moving between nations and provides information to the health care team that will be continuing care about each patient's TB strain and tailored medication regimen. CureTB gathers demographic and clinical information for each patient, and connects that individual to care through provision of accurate information about how to locate the correct downstream provider and assurance that real-time information is given directly to medical providers and public health authorities in receiving nations.

The respondents are entities within the United States and other countries who provide diagnostic and treatment services to individuals affected by TB. The entities are primarily state and local health departments, but include immigration centers, correctional facilities, and national TB programs. All 50 US states and territories may refer TB patients to the CureTB program. To date, CureTB has also received referrals from Mexico and Guatemala.

Respondents are generally public health field nurses and will submit CureTB referral forms as they request referral services. The number of referrals varies widely between respondents. The average time to complete and send a CureTB referral form is estimated at 30 minutes. CureTB currently receives approximately 600 referrals per year. An estimated 100 respondents send referrals, with a range from 1–20 per respondent, and an average of 5 per respondent annually.

There are no costs to respondents other than the time required to submit the referral documents. Authorizing legislation comes from Section 361 of the Public Health Service Act regulations found in 42 Code of Federal Regulations part 70 and 71. The estimated annualized burden hours for this data collection are 300 hours.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondents	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hrs.)	Total burden (in hrs.)
Health departments and partner health authorities.	CureTB Transnational Notification ...	100	5	30/60	250
Health departments and partner health authorities.	CureTB Contact/Source Investigation (CI/SI) Notification.	20	5	30/60	50
Total	....	....	....	....	300

Jeffrey M. Zirger,

Health Scientist, Acting Chief, Information Collection Review Office, Office of Scientific Integrity, Office of the Associate Director for Science, Office of the Director, Centers for Disease Control and Prevention.

[FR Doc. 2016–18934 Filed 8–9–16; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[60Day–16–16AWK: Docket No. CDC–2016–0079]

Proposed Data Collection Submitted for Public Comment and Recommendations

AGENCY: Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

ACTION: Notice with comment period.

SUMMARY: The Centers for Disease Control and Prevention (CDC), as part of its continuing efforts to reduce public burden and maximize the utility of government information, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995. This notice invites comment on Survey of Surveillance Records of *Aedes aegypti* and Aedes *albopictus* from 1960 to Present. This project consists of the collection of county and sub-county-level records for *Aedes aegypti* and *Ae. albopictus,* the vectors of Zika virus.

DATES: Written comments must be received on or before October 11, 2016.

ADDRESSES: You may submit comments, identified by Docket No. CDC–2016–0079 by any of the following methods:

- *Federal eRulemaking Portal: Regulations.gov.* Follow the instructions for submitting comments.
- *Mail:* Jeffrey M. Zirger, Information Collection Review Office, Centers for Disease Control and Prevention, 1600 Clifton Road NE., MS–D74, Atlanta, Georgia 30329.

Instructions: All submissions received must include the agency name and Docket Number. All relevant comments received will be posted without change to *Regulations.gov,* including any personal information provided. For access to the docket to read background documents or comments received, go to *Regulations.gov.*

Please note: All public comment should be submitted through the Federal eRulemaking portal (Regulations.gov) or by U.S. mail to the address listed above.

FOR FURTHER INFORMATION CONTACT: To request more information on the proposed project or to obtain a copy of the information collection plan and instruments, contact the Information Collection Review Office, Centers for Disease Control and Prevention, 1600 Clifton Road NE., MS–D74, Atlanta, Georgia 30329; phone: 404–639–7570; Email: *omb@cdc.gov.*

SUPPLEMENTARY INFORMATION: Under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501–3520), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. In addition, the PRA also requires Federal agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each new proposed collection, each proposed extension of existing collection of information, and each reinstatement of previously approved information collection before submitting the collection to OMB for approval. To comply with this requirement, we are publishing this notice of a proposed data collection as described below.

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; to develop, acquire, install and utilize technology and systems for the purpose of collecting, validating and verifying information, processing and maintaining information, and disclosing and providing information; to train personnel and to be able to respond to a collection of information, to search data sources, to complete and review the collection of information; and to transmit or otherwise disclose the information.

Proposed Project

Survey of Surveillance Records of *Aedes aegypti* and Aedes *albopictus* from 1960 to Present—New—National Center for Emerging and Zoonotic Infectious Diseases (NCEZID), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

The Zika virus response necessitates the collection of county and sub-county level records for *Aedes aegypti* and *Ae. albopictus,* the vectors of Zika virus. This information will be used to update species distribution maps for the United States and to develop a model aimed at identifying where these vectors can survive and reproduce. CDC is seeking six months of OMB clearance to collect information.

In February, 2016, OMB issued emergency clearance for a county-level survey of vector surveillance records (OMB Control No. 0920–1101, expiration date 8/31/2016). This information collection will be nearly a repeat of that survey.

The previous survey aimed to describe the current reported distribution of the Zika virus vectors *Aedes aegypti* and *Ae. albopictus.* The survey revealed that we are lacking records from recent years of both species from areas where we expect to find Zika vectors based on historical records and environmental suitability. It is likely that the reason for this is because from 2004–2015 most vector surveillance focused on vectors of West Nile virus (*Culex spp.*) rather than Zika vectors. As part of the Zika response, efforts to identify *Ae. aegypti* and *Ae. albopictus* in the continental U.S. were substantially enhanced during 2016 and funding will be provided to states to continue to enhance surveillance for these vectors. By repeating the survey, we will have a more complete assessment of where these vectors are currently being reported. In the new survey, we will also seek information on locations of the mosquito traps at sub-county spatial scales. Such information will aid in (1) targeting vector control efforts to prevent mosquito-borne Zika virus transmission in the continental U.S. and (2) targeting future vector surveillance efforts.

The purpose of the mosquito surveillance survey is to collect county and sub-county-level records for *Aedes aegypti* and *Ae. albopictus,* the vectors of Zika virus. The resulting maps and models will: Inform the public and policy makers of the known distribution of these vectors, identify gaps in vector surveillance, and target allocation of surveillance and prevention resources.

Respondents will include vector control professionals, entomologists, and public health professionals who will be contacted by email, primarily through listserves of professional organizations. They will be asked for their voluntary participation in a short survey to assess the distribution of *Aedes aegypti* and *Aedes albopictus* at county and sub-county spatial scales in the U.S.

This information collection request is authorized by Section 301 of the Public Health Service Act (42 U.S.C. 241). The total estimated annualized number of burden hours is 125. There will be no anticipated costs to respondents other than time.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondents	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hrs.)	Total burden (in hrs.)
Vector control professionals, entomologists, and Public health biologists.	Survey of county-level surveillance records of *Aedes aegypti* and *Aedes albopictus.*	500	1	15/60	125
Total	....	....	....	....	125

Jeffrey M. Zirger,

Health Scientist, Acting Chief, Information Collection Review Office, Office of Scientific Integrity, Office of the Associate Director for Science, Office of the Director, Centers for Disease Control and Prevention.

[FR Doc. 2016–18936 Filed 8–9–16; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[Document Identifier: CMS–10463 and CMS–10469]

Agency Information Collection Activities: Submission for OMB Review; Comment Request

AGENCY: Centers for Medicare & Medicaid Services.

ACTION: Notice.

SUMMARY: The Centers for Medicare & Medicaid Services (CMS) is announcing an opportunity for the public to comment on CMS' intention to collect information from the public. Under the Paperwork Reduction Act of 1995 (PRA), federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension or reinstatement of an existing collection of information, and to allow a second opportunity for public comment on the notice. Interested persons are invited to send comments regarding the burden estimate or any other aspect of this collection of information, including any of the following subjects: The necessity and utility of the proposed information collection for the proper performance of the agency's functions; the accuracy of the estimated burden; ways to enhance the quality, utility, and clarity of the information to be collected; and the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

DATES: Comments on the collection(s) of information must be received by the OMB desk officer by *September 9, 2016.*

ADDRESSES: When commenting on the proposed information collections, please reference the document identifier or OMB control number. To be assured consideration, comments and recommendations must be received by the OMB desk officer via one of the following transmissions: OMB, Office of Information and Regulatory Affairs, Attention: CMS Desk Officer, Fax Number: (202) 395–5806 *OR,* Email: *OIRA_submission@omb.eop.gov.*

To obtain copies of a supporting statement and any related forms for the proposed collection(s) summarized in this notice, you may make your request using one of following:

1. Access CMS' Web site address at *http://www.cms.hhs.gov/PaperworkReductionActof1995.*
2. Email your request, including your address, phone number, OMB number, and CMS document identifier, to *Paperwork@cms.hhs.gov.*
3. Call the Reports Clearance Office at (410) 786–1326.

FOR FURTHER INFORMATION CONTACT: Reports Clearance Office at (410) 786–1326.

SUPPLEMENTARY INFORMATION: Under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501–3520), federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. The term "collection of information" is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)) requires federal agencies to publish a 30-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension or reinstatement of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, CMS is publishing this notice that summarizes the following proposed collection(s) of information for public comment:

1. *Type of Information Collection Request:* Revision of a currently approved collection; *Title of Information Collection:* Cooperative Agreement to Support Navigators in Federally-facilitated and State Partnership Exchanges; *Use:* Section 1311(i) of the Affordable Care Act requires Exchanges (Marketplaces) to establish a Navigator grant program as part of its function to provide consumers with assistance when they need it. Navigators will assist consumers by providing education about and facilitating selection of qualified health plans (QHPs) within Marketplaces, as well as other required duties. Section 1311(i) requires that a Marketplace operating as of January 1, 2014, must establish a Navigator Program under which it awards grants to eligible individuals or entities who satisfy the requirements to be Exchange Navigators. For Federally-facilitated Marketplaces (FFMs) and State Partnership Marketplaces (SPMs), CMS will be awarding these grants. Navigator awardees must provide weekly, monthly, quarterly, and annual progress reports to CMS on the activities performed during the grant period and any sub-awardees receiving funds. CMS has modified the data collection requirements for the weekly, monthly, quarterly, and annual reports that were provided in 81 FR 29268 (May 11, 2016). *Form Number:* CMS–10463 (OMB control number: 0938–1215); *Frequency:* Annually; Quarterly; Monthly; Weekly; and Quarterly; *Affected Public:* Private sector; *Number of Respondents:* 102; *Total Annual Responses:* 102; 408; 1,224; 5,304; *Total Annual Hours:* 24,729. (For policy questions regarding this collection, contact Gian Johnson at 301–492–4323.)

2. *Type of Information Collection Request:* Extension of a currently approved collection; *Title of Information Collection:* Issuer Reporting Requirements for Selecting a Cost-Sharing Reductions Reconciliation Methodology; *Use:* Sections 1402 and 1412 of the Affordable Care Act provide for reductions in cost sharing on essential health benefits for low- and moderate-income enrollees in silver level qualified health plans (QHP) on individual market Exchanges. It also provides for reductions in cost sharing for Indians enrolled in QHPs at any metal level. These cost-sharing reductions will help eligible individuals and families afford the out-of-pocket spending associated with health care services provided through Exchange-based QHP coverage.

The law directs QHP issuers to notify the Secretary of the Department of Health and Human Services (HHS) of cost-sharing reductions made under the statute for qualified individuals, and directs the Secretary to make periodic and timely payments to the QHP issuer equal to the value of those reductions. Further, the law permits advance payment of the cost-sharing reduction amounts to QHP issuers based upon amounts specified by the Secretary.

Under established HHS regulations, QHP issuers will receive advance payments of the cost-sharing reductions throughout the year. Each issuer will then be subject to one of two reconciliation processes after the year to ensure that HHS reimbursed each issuer the correct cost-sharing portion of advance payments. This information collection request establishes the data collection requirements for a QHP issuer to report to HHS which reconciliation reporting option the issuer will be subject to for a given benefit year. *Form Number:* CMS–10469 (OMB control number: 0938–1214); *Frequency:* Annually; *Affected Public:* Private sector (Businesses or other for-profits); *Number of Respondents:* 575; *Total Annual Responses:* 575; *Total Annual Hours:* 13,200. (For policy questions regarding this collection contact Pat Meisol at 410–786–1917.)

Dated: August 5, 2016.

William N. Parham, III,

Director, Paperwork Reduction Staff, Office of Strategic Operations and Regulatory Affairs.

[FR Doc. 2016–18986 Filed 8–9–16; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket Nos. FDA–2014–N–1721; FDA–2012–N–0248; FDA–2011–N–0449; FDA–2012–N–0748; FDA–2012–N–0961; FDA–2012–N–0921; FDA–2014–N–0189; FDA–2004–N–0258]

Agency Information Collection Activities; Announcement of Office of Management and Budget Approvals

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is publishing a list of information collections that have been approved by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995.

FOR FURTHER INFORMATION CONTACT: FDA PRA Staff, Office of Operations, Food and Drug Administration, Three White Flint North, 10A63, 11601 Landsdown St., North Bethesda, MD 20852, *PRAStaff@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: The following is a list of FDA information collections recently approved by OMB under section 3507 of the Paperwork Reduction Act of 1995 (44 U.S.C. 3507). The OMB control number and expiration date of OMB approval for each information collection are shown in table 1. Copies of the supporting statements for the information collections are available on the Internet at *http://www.reginfo.gov/public/do/PRAMain.* An Agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

TABLE 1—LIST OF INFORMATION COLLECTIONS APPROVED BY OMB

Title of collection	OMB control No.	Date approval expires
Investigational New Drug Regulations	0910–0014	2/28/2019

TABLE 1—LIST OF INFORMATION COLLECTIONS APPROVED BY OMB—Continued

Title of collection	OMB control No.	Date approval expires
Guidance for Industry on Formal Dispute Resolutions; Appeals Above the Division Level	0910–0430	2/28/2019
SPF Labeling and Testing Requirements for OTC Sunscreen Products	0910–0717	2/28/2019
Generic Drug User Fee Cover Sheet—Form FDA 3794	0910–0727	2/28/2019
Environmental Impact Considerations	0910–0322	4/30/2019
FDA Adverse Event Reports; Electronic Submissions	0910–0645	5/31/2019
Importer's Entry Notice	0910–0046	6/30/2019
Exports: Notification and Recordkeeping Requirements	0910–0482	6/30/2019
Focused Mitigation Strategies to Protect Food Against Intentional Adulteration	0910–0812	6/30/2019

Dated: August 5, 2016.

Jeremy Sharp,

Deputy Commissioner for Policy, Planning, Legislation, and Analysis.

[FR Doc. 2016–19021 Filed 8–9–16; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2016–N–0001]

Anesthetic and Analgesic Drug Products Advisory Committee and the Drug Safety and Risk Management Advisory Committee; Notice of Meeting

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) announces a forthcoming public advisory committee meeting of the Anesthetic and Analgesic Drug Products Advisory Committee and the Drug Safety and Risk Management Advisory Committee. The general function of the committees is to provide advice and recommendations to the Agency on FDA's regulatory issues. The meeting will be open to the public.

DATES: The meeting will be held on October 5, 2016, from 8 a.m. to 5 p.m.

ADDRESSES: FDA White Oak Campus, 10903 New Hampshire Ave., Bldg. 31 Conference Center, the Great Room (Rm. 1503), Silver Spring, MD 20993–0002. Answers to commonly asked questions including information regarding special accommodations due to a disability, visitor parking, and transportation may be accessed at: *http://www.fda.gov/AdvisoryCommittees/AboutAdvisoryCommittees/ucm408555.htm.*

FOR FURTHER INFORMATION CONTACT: Jennifer Shepherd, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 31, Rm. 2417, Silver Spring, MD 20993–0002, 301–796–9001, FAX: 301–847–8533, *AADPAC@fda.hhs.gov,* or FDA Advisory Committee Information Line, 1–800–741–8138 (301–443–0572 in the Washington, DC area). A notice in the **Federal Register** about last minute modifications that impact a previously announced advisory committee meeting cannot always be published quickly enough to provide timely notice. Therefore, you should always check the Agency's Web site at *http://www.fda.gov/AdvisoryCommittees/default.htm* and scroll down to the appropriate advisory committee meeting link, or call the advisory committee information line to learn about possible modifications before coming to the meeting.

SUPPLEMENTARY INFORMATION:

Agenda: The committees will be asked to discuss naloxone products intended for use in the community, specifically the most appropriate dose or doses of naloxone to reverse the effects of life-threatening opioid overdose in all ages, and the role of having multiple doses available in this setting. The committees will also be asked to discuss the criteria prescribers will use to select the most appropriate dose in advance of an opioid overdose event and the labeling to inform this decision, if multiple doses are available.

FDA intends to make background material available to the public no later than 2 business days before the meeting. If FDA is unable to post the background material on its Web site prior to the meeting, the background material will be made publicly available at the location of the advisory committee meeting, and the background material will be posted on FDA's Web site after the meeting. Background material is available at *http://www.fda.gov/AdvisoryCommittees/Calendar/default.htm.* Scroll down to the appropriate advisory committee meeting link.

Procedure: Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Written submissions may be made to the contact person on or before September 21, 2016. Oral presentations from the public will be scheduled between approximately 1 p.m. and 2 p.m. Those individuals interested in making formal oral presentations should notify the contact person and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time requested to make their presentation on or before September 13, 2016. Time allotted for each presentation may be limited. If the number of registrants requesting to speak is greater than can be reasonably accommodated during the scheduled open public hearing session, FDA may conduct a lottery to determine the speakers for the scheduled open public hearing session. The contact person will notify interested persons regarding their request to speak by September 14, 2016.

Persons attending FDA's advisory committee meetings are advised that the Agency is not responsible for providing access to electrical outlets.

FDA welcomes the attendance of the public at its advisory committee meetings and will make every effort to accommodate persons with disabilities. If you require accommodations due to a disability, please contact Jennifer Shepherd at least 7 days in advance of the meeting.

FDA is committed to the orderly conduct of its advisory committee meetings. Please visit our Web site at *http://www.fda.gov/AdvisoryCommittees/AboutAdvisoryCommittees/ucm111462.htm* for procedures on public conduct during advisory committee meetings.

Notice of this meeting is given under the Federal Advisory Committee Act (5 U.S.C. app. 2).

Dated: August 5, 2016.

Janice M. Soreth,

Acting Associate Commissioner, Special Medical Programs.

[FR Doc. 2016–19005 Filed 8–9–16; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Agency Information Collection Activities: Proposed Collection: Public Comment Request; Office for the Advancement of Telehealth Outcome Measures

AGENCY: Health Resources and Services Administration, HHS.

ACTION: Notice.

SUMMARY: In compliance with the requirement for opportunity for public comment on proposed data collection projects (section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995), the Health Resources and Services Administration (HRSA) announces plans to submit an Information Collection Request (ICR), described below, to the Office of Management and Budget (OMB). Prior to submitting the ICR to OMB, HRSA seeks comments from the public regarding the burden estimate, below, or any other aspect of the ICR.

DATES: Comments on this Information Collection Request must be received no later than October 11, 2016.

ADDRESSES: Submit your comments to *paperwork@hrsa.gov* or mail the HRSA Information Collection Clearance Officer, Room 10–29, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: To request more information on the proposed project or to obtain a copy of the data collection plans and draft instruments, email *paperwork@hrsa.gov* or call the HRSA Information Collection Clearance Officer at (301) 443–1984.

SUPPLEMENTARY INFORMATION: When submitting comments or requesting information, please include the information request collection title for reference.

Information Collection Request Title: Office for the Advancement of Telehealth Outcome Measures.

OMB No.: 0915–0311—Revision.

Abstract: In order to help carry out its mission, the Office for the Advancement of Telehealth (OAT) created a set of performance measures that grantees can use to evaluate the effectiveness of their services programs and monitor their progress through the use of performance reporting data.

Need and Proposed Use of the Information: As required by the Government Performance and Review Act of 1993 (GPRA), all federal agencies must develop strategic plans describing their overall goal and objectives. The Office for the Advancement of Telehealth (OAT) worked with its grantees to develop performance measures that are used to evaluate and monitor the progress of the grantees. Grantee goals are to: Improve access to needed services; reduce rural practitioner isolation; improve health system productivity and efficiency; and improve patient outcomes. In each of these categories, specific indicators were designed to be reported through a performance monitoring Web site. New measures are being added to the Telehealth Network Grant Program and all measures speak to OAT's progress toward meeting the goals.

Likely Respondents: Telehealth Network Grantees.

Burden Statement: Burden in this context means the time expended by persons to generate, maintain, retain, disclose or provide the information requested. This includes the time needed to review instructions; to develop, acquire, install and utilize technology and systems for the purpose of collecting, validating and verifying information, processing and maintaining information, and disclosing and providing information; to train personnel and to be able to respond to a collection of information; to search data sources; to complete and review the collection of information; and to transmit or otherwise disclose the information. The total annual burden hours estimated for this Information Collection Request are summarized in the table below.

TOTAL ESTIMATED ANNUALIZED BURDEN HOURS

Form name	Number of respondents	Number of responses per respondent	Total responses	Average burden per response (in hours)	Total burden hours
Performance Improvement Measurement System (PIMS) ..	200	2	400	7	2,800
Total	200	....	400	....	2,800

HRSA specifically requests comments on (1) the necessity and utility of the proposed information collection for the proper performance of the agency's functions, (2) the accuracy of the estimated burden, (3) ways to enhance the quality, utility, and clarity of the information to be collected, and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

Jackie Painter,

Senior Advisor, Division of the Executive Secretariat.

[FR Doc. 2016–18944 Filed 8–9–16; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Opportunity To Apply for Office on Women's Health 25th Anniversary Partnership Award, Trailblazer Award, and Emerging Leader Award

AGENCY: Office of the Secretary, Office of the Assistant Secretary for Health, Office on Women's Health, Department of Health and Human Services.

ACTION: Notice.

SUMMARY: Pursuant to 42 U.S.C. 300u, 42 U.S.C. 300u–2, and 42 U.S.C. 237a (§ 3509 of the Patient Protection and Affordable Care Act), notice is given

that the Office on Women's Health (OWH) is soliciting award nominations in honor of its 25th anniversary from individuals and organizations for the following three awards:

- *Partnership Award:* The Partnership Award recognizes an outstanding partner organization of OWH. This organization has demonstrated a commitment to improving women's health and its efforts have resulted in measurable results that increased awareness about OWH, its initiative(s), or observance(s).
- *Trailblazer Award:* The Trailblazer Award recognizes an individual who has paved the way for advancement in women's health by being an innovator, a visionary, and a changemaker. The recipient of this award could include a researcher, advocate, or policymaker, and could be either a government or non-government employee.
- *Emerging Leader Award:* The Emerging Leader Award recognizes an individual in the early stages of their career who is already making a difference in women's health. The recipient of this award could include a researcher, advocate, or policymaker, and could be either a government or non-government employee.

DATES: Individuals and representatives of eligible organizations should submit expressions of interest no later than 6:00 p.m. EST on August 25, 2016. Representatives may nominate themselves or another person or organization.

ADDRESSES: Expressions of interest should be directed electronically to *aaron.polacek@hhs.gov* or mailed to the Office on Women's Health, Office of the Assistant Secretary for Health, Department of Health and Human Services, 200 Independence Avenue SW., Room 732F, Washington, DC 20201. Attention: Aaron Polacek.

FOR FURTHER INFORMATION CONTACT: Questions may be directed to Aaron Polacek, Office on Women's Health, 200 Independence Avenue SW., Room 732F, Washington, DC 20201. Email: *aaron.polacek@hhs.gov.*

SUPPLEMENTARY INFORMATION: The OWH was established in 1991 to improve the health of American women by advancing and coordinating a comprehensive women's health agenda throughout the Department of Health and Human Service (HHS). The OWH provides national leadership and coordination to improve the health of women and girls through policy, education, and model programs. The office fulfills its mission by advancing policy and issuing competitive contracts and grants to an array of community, academic, and other organizations at the national and community levels.

This year marks the office's 25th anniversary and OWH is hosting an event in the Washington, DC area to celebrate this important milestone. The event will feature a panel discussion focusing on the future of women's health, followed by an awards ceremony to recognize organizations, partners, and individuals who helped improve the health and well-being of women and girls in the U.S. over the past 25 years.

Eligibility for Award

To be eligible, applicants must meet the following criteria.

- *Partnership Award:* The organization (public sector, private sector, or academic institution):
  - ○ Supported an OWH-led observance or initiative between June 2011–2016.
  - ○ Is not currently funded by OWH.
  - ○ Demonstrated its commitment to making women's health a priority and has created initiatives or programs outside of its OWH partnership to improve women's health.
  - ○ Produced measurable results that increased awareness about OWH, its initiative(s), or observance(s). (Measurable results could include social media analytics, Web site analytics, program participants, patients helped, providers trained, media coverage, etc.)
- Trailblazer Award: The candidate (public sector, private sector, or academic institution):
  - ○ Supported or played a role in the advancement of women's health over the last 25 years. These results should be measureable.
  - ○ Advanced women's health through research, advocacy, or policy in the United States.
  - ○ Mentored other leaders or individuals and has encouraged them to advance women's health through their own initiatives.
  - ○ Has exhibited both integrity and a willingness to collaborate with others to progress women's health.
- Emerging Leader Award: The candidate (public sector, private sector, or academic institution):
  - ○ Has supported or played a role in the advancement of women's health over the last five years (June 2011–June 2016).
  - ○ Is in the first ten years of their career and is implementing innovative strategies in women's health.
  - ○ Advanced women's health through research, education, advocacy, or policy in the United States.
  - ○ Has exhibited integrity and a willingness to collaborate with others to progress women's health.

Each nomination shall contain a description of: (1) The background and history of the organization or individual and (2) how the organization or individual satisfies the criteria detailed above. The award recipient will be invited to attend the award ceremony to be held in mid-October.

Evaluation Criteria: OWH will select award recipients based on how they meet the criteria detailed above.

Expressions of interest should outline eligibility in response to the qualifications bulleted above and be no more than two pages in length, single-spaced, and 12 point font.

Dated: August 4, 2016.

Nancy C. Lee,

Deputy Assistant Secretary for Health—Women's Health Director, Office on Women's Health.

[FR Doc. 2016–19007 Filed 8–9–16; 8:45 am]

BILLING CODE 4150–42–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

Notice of Interest Rate on Overdue Debts

Section 30.18 of the Department of Health and Human Services' claims collection regulations (45 CFR part 30) provides that the Secretary shall charge an annual rate of interest, which is determined and fixed by the Secretary of the Treasury after considering private consumer rates of interest on the date that the Department of Health and Human Services becomes entitled to recovery. The rate cannot be lower than the Department of Treasury's current value of funds rate or the applicable rate determined from the "Schedule of Certified Interest Rates with Range of Maturities" unless the Secretary waives interest in whole or part, or a different rate is prescribed by statute, contract, or repayment agreement. The Secretary of the Treasury may revise this rate quarterly. The Department of Health and Human Services publishes this rate in the **Federal Register**.

The current rate of 9⅝%, as fixed by the Secretary of the Treasury, is certified for the quarter ended June 30, 2016. This rate is based on the Interest Rates for Specific Legislation, "National Health Services Corps Scholarship Program (42 U.S.C. 254o(b)(1)(A))" and "National Research Service Award Program (42 U.S.C. 288(c)(4)(B))." This interest rate will be applied to overdue debt until the Department of Health and Human Services publishes a revision.

Dated: July 14, 2016.

David C. Horn

Director, Office of Financial Policy and Reporting.

[FR Doc. 2016–18967 Filed 8–9–16; 8:45 am]

BILLING CODE 4150–04–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Substance Abuse and Mental Health Services Administration

Notice of Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the Substance Abuse and Mental Health Services Administration's (SAMHSA) National Advisory Council (NAC) on August 26, 2016.

The meeting will include a brief reflection on the August 25, 2016, Joint National Advisory Council meeting (JNAC), followed by a presentation from the keynote speaker, Mr. Michael Botticelli, Director of National Drug Control Policy of the White House. There will be a council discussion on the National Survey on Drug Use and Health Re-design presented by Daryl Kade, Director of the Center for Behavioral Health Statistics and Quality.

The meeting is open to the public and will be held at 5600 Fishers Lane, Rockville, Maryland. Attendance by the public will be limited to space available. Interested persons may present data, information, or views, orally or in writing, on issues pending before the Council. Written submissions should be received by the contact person on or before August 16, 2016. Oral presentations from the public will be scheduled at the conclusion of the meeting. Individuals interested in making oral presentations are encouraged to notify the contact on or before August 16, 2016. Five minutes will be allotted for each presentation.

The meeting may be accessed via telephone. To attend on site; obtain the call-in number, access code, and/or web access link; submit written or brief oral comments; or request special accommodations for persons with disabilities, please register on-line at: *http://nac.samhsa.gov/Registration/meetingsRegistration.aspx,* or communicate with SAMHSA's Committee Management Officer, CDR Carlos Castillo (see contact information below).

Substantive meeting information and a roster of Council members may be obtained either by accessing the SAMHSA Council's Web site at *http://www.samhsa.gov/about-us/advisory-councils/* or by contacting CDR Castillo. Substantive program information may be obtained after the meeting by accessing the SAMHSA Council's Web site, *http://nac.samhsa.gov/,* or by contacting CDR Castillo.

Council Name: Substance Abuse and Mental Health Services Administration, National Advisory Council.

Date/Time/Type: August 26, 2016, 8:30 a.m. to 1:00 p.m. (EDT), Open.

Place: 5600 Fishers Lane, Rockville, Maryland 20857.

Contact: CDR Carlos Castillo, Committee Management Officer and Designated Federal Official, SAMHSA National Advisory Council, 5600 Fishers Lane, Room 18E77A, Rockville, Maryland 20857 (mail), Telephone: (240) 276–2787, Email: *carlos.castillo@samhsa.hhs.gov.*

Summer King,

Statistician, SAMHSA.

[FR Doc. 2016–18949 Filed 8–9–16; 8:45 am]

BILLING CODE 4162–20–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Substance Abuse and Mental Health Services Administration

Notice of Meeting

Pursuant to Public Law 92–463, notice is hereby given of the combined meeting on August 25, 2016, of the Substance Abuse and Mental Health Services Administration's (SAMHSA) four National Advisory Councils: the SAMHSA National Advisory Council (NAC), the Center for Mental Health Services NAC, the Center for Substance Abuse Prevention NAC, the Center for Substance Abuse Treatment NAC; and the two SAMHSA Advisory Committees: Advisory Committee for Women's Services (ACWS) and the Tribal Technical Advisory Committee (TTAC).

SAMHSA's National Advisory Councils were established to advise the Secretary, Department of Health and Human Services (HHS); the Administrator, SAMHSA; and SAMHSA's Center Directors concerning matters relating to the activities carried out by and through the Centers and the policies respecting such activities.

Under section 501 of the Public Health Service Act, the ACWS is statutorily mandated to advise the SAMHSA Administrator and the Associate Administrator for Women's Services on appropriate activities to be undertaken by SAMHSA and its Centers with respect to women's substance abuse and mental health services.

Pursuant to Presidential Executive Order No. 13175, November 6, 2000, and the Presidential Memorandum of September 23, 2004, SAMHSA established the TTAC for working with Federally-recognized Tribes to enhance the government-to-government relationship, honor Federal trust responsibilities and obligations to Tribes and American Indian and Alaska Natives. The SAMHSA TTAC serves as an advisory body to SAMHSA.

The theme for the August 25, 2016, combined meeting is *The Intersection of Physical Health, Behavioral Health and Public Health.* It will include remarks from the Principal Deputy Administrator, and a report on SAMHSA's priorities and updates by the Centers and Office Directors. The invited keynote speaker is the U.S. Surgeon General, Vice Admiral Vivek H. Murthy, M.D, M.B.A. The Acting Assistant Secretary for Health, Dr. Karen DeSalvo, will present on "Public Health 3.0"; followed by breakout groups discussions with the following titles: SAMHSA's Role in Creating a Culture of Health; SAMHSA's New Office of the Chief Medical Officer: Outreach and Engagement; Meeting the Needs of Super Utilizers; and Improving Grants Management for Diverse Populations.

The meeting is open to the public and will be held at the Bethesda North Marriot and Conference Center, 5701 Marinelli Road, Rockville, MD 20852. Attendance by the public will be limited to space available. Interested persons may present data, information, or views orally or in writing, on issues pending before the Council. Written submissions should be forwarded to the contact person by August 15, 2016. Oral presentations from the public will be scheduled at the conclusion of the meeting. Individuals interested in making oral presentations are encouraged to notify the contact by August 15, 2016. Five minutes will be allotted for each presentation.

The meeting may be accessed via telephone and web conferencing will be available. To attend on site; obtain the call-in number, access code, and/or web access link; submit written or brief oral comments; or request special accommodations for persons with disabilities, please register on-line at: *http://nac.samhsa.gov/Registration/meetingsRegistration.aspx,* or communicate with SAMHSA's Committee Management Officer, CDR Carlos Castillo (see contact information below).

Meeting information and a roster of Council members may be obtained either by accessing the SAMHSA Council's Web site at *http://www.samhsa.gov/about-us/advisory-councils/* or by contacting CDR Castillo. Substantive program information may be obtained after the meeting by accessing the SAMHSA Council's Web site, *http://nac.samhsa.gov/,* or by contacting CDR Castillo.

Council Names:

Substance Abuse and Mental Health Services Administration National Advisory Council
Center for Mental Health Services National Advisory Council
Center for Substance Abuse Prevention National Advisory Council
Center for Substance Abuse Treatment National Advisory Council
Advisory Committee for Women's Services
Tribal Technical Advisory Committee

Date/Time/Type: August 25, 2016, 8:30 a.m. to 5:00 p.m. EDT, Open.

Place: Bethesda North Marriott and Conference Center, 5701 Marinelli Road, Rockville, Maryland 20852.

Contact: CDR Carlos Castillo, Committee Management Officer andDesignated Federal Official, SAMHSA National Advisory Council, Room 18E77A, 5600 Fishers Lane, Rockville, Maryland 20857 (mail), Telephone: (240) 276–2787, Email: *carlos.castillo@samhsa.hhs.gov.*

Summer King,

Statistician, SAMHSA.

[FR Doc. 2016–18950 Filed 8–9–16; 8:45 am]

BILLING CODE 4162–20–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Substance Abuse and Mental Health Services Administration

Center for Substance Abuse Prevention; Notice of Meeting

Pursuant to Public Law 92–463, notice is hereby given for the meeting of the Substance Abuse and Mental Health Services Administration's (SAMHSA) Center for Substance Abuse Prevention National Advisory Council (CSAP NAC) on August 24, 2016.

The Council was established to advise the Secretary, Department of Health and Human Services (HHS); the Administrator, SAMHSA; and Center Director, CSAP concerning matters relating to the activities carried out by and through the Center and the policies respecting such activities.

The meeting will be open to the public and will include discussion of the substance abuse prevention workforce, as well as updates on CSAP programs and activities.

The meeting will be held in Rockville, Maryland. Attendance by the public will be limited to the space available. Interested persons may present data, information, or views, orally or in writing, on issues pending before the Council. Written submissions should be forwarded to the contact person on or before one week prior to the meeting. Oral presentations from the public will be scheduled at the conclusion of the meeting. Individuals interested in making oral presentations are encouraged to notify the contact on or before one week prior to the meeting. Five minutes maximum will be allotted for each presentation.

To attend onsite, submit written or brief oral comments, or request special accommodations for persons with disabilities, please register at the SAMHSA Committees' Web site, *http://nac.samhsa.gov/Registration/meetingsRegistration.aspx,* or communicate with the CSAP Council's Designated Federal Officer (see contact information below).

Substantive program information may be obtained after the meeting by accessing the SAMHSA Committee Web site, *http://nac.samhsa.gov/,* or by contacting the Designated Federal Officer.

COMMITTEE NAME: Substance Abuse and Mental Health Services Administration, Center for Substance Abuse Prevention, National Advisory Council.

DATE/TIME/TYPE: August 24, 2016, from 9:30am to 4:30pm EST: (OPEN).

PLACE: SAMHSA, 5600 Fishers Lane, Pavillion Room 5A02 (lobby level), Rockville, MD 20857, Adobe Connect webcast: https://samhsa-csap.adobeconnect.com/nac/.

CONTACT: Matthew J. Aumen, Designated Federal Officer, SAMHSA CSAP NAC, 5600 Fishers Lane, Rockville, MD 20857, Telephone: 240–276–2419, Fax: 301–480–8480, Email: *matthew.aumen@samhsa.hhs.gov.*

Summer King,

Statistician, SAMHSA.

[FR Doc. 2016–18923 Filed 8–9–16; 8:45 am]

BILLING CODE 4162–20–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

Notice of Revocation of Customs Brokers' Licenses; Correction

AGENCY: U.S. Customs and Border Protection, Department of Homeland Security.

ACTION: Revocation of customs brokers' licenses; correction.

SUMMARY: This document corrects twelve errors in the list of customs brokers' licenses revoked by operation of law, without prejudice, for failure to file a triennial status report that U.S. Customs and Border Protection (CBP) published in the **Federal Register** on January 6, 2016. The twelve errors consist of nine omissions and three erroneous revocations.

DATES: This correction is effective on August 10, 2016.

FOR FURTHER INFORMATION CONTACT: Julia D. Peterson, Branch Chief, Broker Management, Office of Trade, (202) 863–6601, *julia.peterson@cbp.dhs.gov.*

SUPPLEMENTARY INFORMATION:

Background

Pursuant to section 641 of the Tariff Act of 1930, as amended, (19 U.S.C. 1641) and section 111.30(d) of title 19 of the Code of Federal Regulations (19 CFR 111.30(d)), a customs broker's license will be revoked by operation of law, without prejudice, for failure to file a triennial status report. On January 6, 2016, U.S. Customs and Border Protection (CBP) published in the **Federal Register** (81 FR 498) a list of customs brokers' licenses revoked under 19 CFR 111.30(d) in alphabetical order by name with the names grouped according to the ports of issuance. That document contained twelve (12) errors in the list of revoked customs brokers' licenses. Specifically, nine (9) customs brokers' names were omitted from the list of revoked customs brokers' licenses and three (3) customs brokers' names were erroneously included in the list of revoked customs brokers' licenses. This correction is being issued to identify the omitted customs brokers whose licenses were revoked by operation of law, without prejudice, for failure to file a triennial status report, and to identify the customs brokers whose licenses were erroneously revoked and have been reinstated.

Correction

In the **Federal Register** of January 6, 2016, in the document at 81 FR 498:

Beginning on page 498, in the list of revoked customs broker licenses, add the entries for the following nine (9) customs brokers in alphabetical order by name and grouped according to the ports of issuance:

Anderson	Jamie L.	20454	Anchorage.
Anderson	Kirk	23689	Minneapolis.
Anderson	Steven J	13365	Minneapolis.
Braun	Holly	11508	Minneapolis.
Franzen	Steve	16626	Minneapolis.
Nielsen	Kelli	20185	Minneapolis.
Runeberg	Diane	10162	Minneapolis.
Senn	Ronald	06226	Minneapolis.
Stromgren	Linda	06237	Minneapolis.

Also on page 498, remove the entry for the following customs broker:

Godfrey	Kimberly	12089	Atlanta.

On page 504, remove the entry for the following customs brokers:

Tolbert	Shawn	12568	Savannah.
Wallace	Laura	20785	Washington, DC.

Dated: August 2, 2016.

Brenda B. Smith,

Executive Assistant Commissioner, Office of Trade.

[FR Doc. 2016–18926 Filed 8–9–16; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2016–0002]

Changes in Flood Hazard Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Final Notice.

SUMMARY: New or modified Base (1-percent annual chance) Flood Elevations (BFEs), base flood depths, Special Flood Hazard Area (SFHA) boundaries or zone designations, and/or regulatory floodways (hereinafter referred to as flood hazard determinations) as shown on the indicated Letter of Map Revision (LOMR) for each of the communities listed in the table below are finalized. Each LOMR revises the Flood Insurance Rate Maps (FIRMs), and in some cases the Flood Insurance Study (FIS) reports, currently in effect for the listed communities. The flood hazard determinations modified by each LOMR will be used to calculate flood insurance premium rates for new buildings and their contents.

DATES: The effective date for each LOMR is indicated in the table below.

ADDRESSES: Each LOMR is available for inspection at both the respective Community Map Repository address listed in the table below and online through the FEMA Map Service Center at *www.msc.fema.gov.*

FOR FURTHER INFORMATION CONTACT: Rick Sacbibit, Chief, Engineering Services Branch, Federal Insurance and Mitigation Administration, FEMA, 400 C Street SW., Washington, DC 20472, (202) 646–7659, or (email) *patrick.sacbibit@fema.dhs.gov;* or visit the FEMA Map Information eXchange (FMIX) online at *www.floodmaps.fema.gov/fhm/fmx_main.html.*

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency (FEMA) makes the final flood hazard determinations as shown in the LOMRs for each community listed in the table below. Notice of these modified flood hazard determinations has been published in newspapers of local circulation and 90 days have elapsed since that publication. The Deputy Associate Administrator for Insurance and Mitigation has resolved any appeals resulting from this notification.

The modified flood hazard determinations are made pursuant to section 206 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4105, and are in accordance with the National Flood Insurance Act of 1968, 42 U.S.C. 4001 *et seq.,* and with 44 CFR part 65.

For rating purposes, the currently effective community number is shown and must be used for all new policies and renewals.

The new or modified flood hazard information is the basis for the floodplain management measures that the community is required either to adopt or to show evidence of being already in effect in order to remain qualified for participation in the National Flood Insurance Program (NFIP).

This new or modified flood hazard information, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own or pursuant to policies established by other Federal, State, or regional entities.

This new or modified flood hazard determinations are used to meet the floodplain management requirements of the NFIP and also are used to calculate the appropriate flood insurance premium rates for new buildings, and for the contents in those buildings. The changes in flood hazard determinations are in accordance with 44 CFR 65.4.

Interested lessees and owners of real property are encouraged to review the final flood hazard information available at the address cited below for each community or online through the FEMA Map Service Center at *www.msc.fema.gov.*

(Catalog of Federal Domestic Assistance No. 97.022, "Flood Insurance.")

Dated: August 2, 2016.

Roy E. Wright,

Deputy Associate Administrator for Insurance and Mitigation, Department of Homeland Security, Federal Emergency Management Agency.

State and county	Location and case No.	Chief executive officer of community	Community map repository	Effective date of modification	Community No.
Arkansas:					
Crawford (FEMA Docket No.: B–1605).	City of Alma (14–06–2666P).	The Honorable Keith Greene, Mayor, City of Alma, 804 Fayetteville Avenue, Alma, AR 72921.	Water Department, 804 Fayetteville Avenue, Alma, AR 72921.	May 13, 2016	050236
Crawford (FEMA Docket No.: B–1605).	Unincorporated areas of Crawford County (14–06–2666P).	The Honorable John Hall, Crawford County Judge, 300 Main Street, Room 4, Van Buren, AR 72956.	Crawford County Department of Emergency Management, 1820 Chestnut Street, Van Buren, AR 72956.	May 13, 2016	050428
Colorado:					
Archuleta (FEMA Docket No.: B–1607).	Unincorporated areas of Archuleta County (14-08-0969P).	The Honorable Michael Whiting, Chairman, Archuleta County Board of Commissioners, P.O. Box 1507, Pagosa Springs, CO 81147.	Archuleta County Development Services Department, P.O. Box 1507, Pagosa Springs, CO 81147.	May 20, 2016	080273
Denver (FEMA Docket No.: B–1607).	City and County of Denver (15–08–1275P).	The Honorable Michael B. Hancock, Mayor, City and County of Denver, 1437 Bannock Street, Suite 350, Denver, CO 80202.	Department of Public Works, 201 West Colfax Avenue, Denver, CO 80202.	May 19, 2016	080046
Weld (FEMA Docket No.: B–1605).	Unincorporated areas of Weld County (15–08–1446P).	The Honorable Barbara Kirkmeyer, Chair, Weld County Board of Commissioners, P.O. Box 758, Greeley, CO 80632.	Weld County Planning and Zoning Department, 1555 North 17th Avenue, Greeley, CO 80631.	May 13, 2016	080266
Delaware: New Castle (FEMA Docket No.: B–1605).	Unincorporated areas of New Castle County (15–03–2443P).	The Honorable Thomas P. Gordon, New Castle County Executive, 87 Reads Way, New Castle, DE 19720.	New Castle County Land Use Department, 87 Reads Way, New Castle, DE 19720.	May 11, 2016	105085
Florida:					
Lee (FEMA Docket No.: B–1605).	Unincorporated areas of Lee County (16–04–0292P).	The Honorable Frank Mann, Chairman, Lee County Board of Commissioners, District 5, P.O. Box 398, Fort Myers, FL 33902.	Lee County Community Development Department, 1500 Monroe Street, Fort Myers, FL 33901.	May 11, 2016	125124
Pinellas (FEMA Docket No.: B–1607).	City of St. Petersburg (16–04–0334P).	The Honorable Rick Kriseman, Mayor, City of St. Petersburg, 175 5th Street North, St. Petersburg, FL 33701.	Municipal Services Center, Permit Division, 1 4th Street North, St. Petersburg, FL 33701.	May 25, 2016	125148
Sumter (FEMA Docket No.: B–1607).	City of Fruitland Park (15–04–3835P).	The Honorable Chris Bell, Mayor, City of Fruitland Park, 506 West Berckman Street, Fruitland Park, FL 34731.	Building Department, 506 West Berckman Street, Fruitland Park, FL 34731.	May 20, 2016	120387
Sumter (FEMA Docket No.: B–1607).	Unincorporated areas of Sumter County (15–04–3835P).	The Honorable Garry Breeden, Chairman, Sumter County Board of Commissioners, 7375 Powell Road, Wildwood, FL 34785.	Sumter County Development Department, 7375 Powell Road, Wildwood, FL 34785.	May 20, 2016	120296
Georgia:					
Lee (FEMA Docket No.: B–1607).	City of Smithville (15–04–3746P).	The Honorable Jack Smith, Mayor, City of Smithville, P.O. Box 180, Smithville, GA 31787.	City Hall, 116 South Main Street, Smithville, GA 31787.	May 19, 2016	130349
Lee (FEMA Docket No.: B–1607).	Unincorporated areas of Lee County (15–04–3746P).	The Honorable Rick Muggridge, Chairman, Lee County Board of Commissioners, 110 Starksville Avenue North, Leesburg, GA 31763.	Lee County Administration Building, 110 Starksville Avenue North, Leesburg, GA 31763.	May 19, 2016	130122
Montana: Lewis and Clark (FEMA Docket No.: B–1607).	Unincorporated areas of Lewis and Clark County (15–08–1239P).	The Honorable Andy Hunthausen, Chairman, Lewis and Clark County Board of Commissioners, 316 North Park Avenue, Helena, MT 59623.	Clark County Law Enforcement Center, 221 Breckenridge Avenue, Helena, MT 59601.	May 18, 2016	300038
Nevada: Clark (FEMA Docket No.: B–1605).	City of Henderson (15–09–3020P).	The Honorable Andy Hafen, Mayor, City of Henderson, P.O. Box 95050, MSC 142, Henderson, NV 89009.	Department of Public Works, Parks and Recreation, P.O. Box 95050, MSC 131, Henderson, NV 89009.	Apr. 8, 2016	320005
Pennsylvania: Dauphin (FEMA Docket No.: B–1607).	Township of Lower Paxton (14–03–3302P).	The Honorable William B. Hawk, Chairman, Township of Lower Paxton Board of Supervisors, 425 Prince Street, Harrisburg, PA 17109.	Township Government Office, 425 Prince Street, Harrisburg, PA 17109.	May 20, 2016	420384
South Carolina:					
Charleston (FEMA Docket No.: B–1605).	Town of Mount Pleasant (15–04–A378P).	The Honorable Linda Page, Mayor, Town of Mount Pleasant, 100 Ann Edwards Lane, Mount Pleasant, SC 29464.	Planning and Development Department, 100 Ann Edwards Lane, Mount Pleasant, SC 29464.	May 11, 2016	455417
Charleston (FEMA Docket No.: B–1605).	Unincorporated areas of Charleston County (15–04–A378P).	The Honorable J. Elliott Summey, Chairman, Charleston County Board of Commissioners, 4045 Bridgeview Drive, Suite B254, North Charleston, SC 29405.	Charleston County Building Inspection Services Department, 4045 Bridgeview Drive, Suite A311, North Charleston, SC 29405.	May 11, 2016	455413
Tennessee: Williamson (FEMA Docket No.: B–1607).	City of Brentwood (15–04–7313P).	The Honorable Regina Smithson, Mayor, City of Brentwood, 5211 Maryland Way, Brentwood, TN 37027.	City Hall, 5211 Maryland Way, Brentwood, TN 37027.	May 19, 2016	470205
Texas:					
Bexar (FEMA Docket No.: B–1607).	City of San Antonio (15–06–2857P).	The Honorable Ivy R. Taylor, Mayor, City of San Antonio, P.O. Box 839966, San Antonio, TX 78283.	Transportation and Capital Improvements Department, Storm Water Division, 1901 South Alamo Street, 2nd Floor, San Antonio, TX 78205.	May 18, 2016	480045

State and county	Location and case No.	Chief executive officer of community	Community map repository	Effective date of modification	Community No.
Collin (FEMA Docket No.: B–1607).	City of Murphy (15–06–3827P).	The Honorable Eric Barna, Mayor, City of Murphy, 206 North Murphy Road, Murphy, TX 75094.	City Hall, 206 North Murphy Road, Murphy, TX 75094.	May 16, 2016	480137
Collin (FEMA Docket No.: B–1607).	City of Wylie (15–06–3379P).	The Honorable Eric Hogue, Mayor, City of Wylie, 300 Country Club Road, Building 100, Wylie, TX 75098.	City Hall, 300 Country Club Road, Wylie, TX 75098.	May 26, 2016	480759
Cooke (FEMA Docket No.: B–1605).	City of Gainesville (14–06–4582P).	The Honorable Jim Goldsworthy, Mayor, City of Gainesville, 200 South Rusk Street, Gainesville, TX 76240.	Community Services Department, 104 West Hird Street, Gainesville, TX 76240.	Apr. 27, 2016	480154
Dallas (FEMA Docket No.: B–1607).	City of Dallas (15–06–3297P).	The Honorable Mike Rawlings, Mayor, City of Dallas, 1500 Marilla Street, Room 5EN, Dallas, TX 75201.	Trinity Watershed Management Department, 320 East Jefferson Boulevard, Room 307, Dallas, TX 75203.	May 25, 2016	480171
Dallas (FEMA Docket No.: B–1607).	City of DeSoto (15–06–2944P).	The Honorable Carl Sherman, Mayor, City of DeSoto, 211 East Pleasant Run Road, DeSoto, TX 75115.	Engineering Department, 211 East Pleasant Run Road, DeSoto, TX 75115.	May 12, 2016	480172
Dallas (FEMA Docket No.: B–1605).	City of Irving (15–06–1807P).	The Honorable Beth Van Duyne, Mayor, City of Irving, 825 West Irving Boulevard, Irving, TX 75060.	Capital Improvement Program Department, Engineering Section, 825 West Irving Boulevard, Irving, TX 75060.	May 16, 2016	480180
Harris (FEMA Docket No.: B–1607).	City of Houston (15–06–0693P).	The Honorable Sylvester Turner, Mayor, City of Houston, P.O. Box 1562, Houston, TX 77251.	Public Works and Engineering Department, 1002 Washington Avenue, Houston, TX 77002.	May 18, 2016	480296
Harris (FEMA Docket No.: B–1607).	Unincorporated areas of Harris County (15–06–0693P).	The Honorable Edward M. Emmett, Harris County Judge, 1001 Preston Street, Suite 911, Houston, TX 77002.	Harris County Permit Office, 10555 Northwest Freeway, Suite 120, Houston, TX 77092.	May 18, 2016	480287
Harris (FEMA Docket No.: B–1607).	Unincorporated areas of Harris County (16–06–0003P).	The Honorable Edward M. Emmett, Harris County Judge, 1001 Preston Street, Suite 911, Houston, TX 77002.	Harris County Permit Office, 10555 Northwest Freeway, Suite 120, Houston, TX 77092.	May 19, 2016	480287
Hays (FEMA Docket No.: B–1607).	City of San Marcos (15–06–2311P).	The Honorable Daniel Guerrero, Mayor, City of San Marcos, 630 East Hopkins Street, San Marcos, TX 78666.	Engineering Department, 630 East Hopkins Street, San Marcos, TX 78666.	May 18, 2016	480505
Hays (FEMA Docket No.: B–1607).	Unincorporated areas of Hays County (15–06–2311P).	The Honorable Bert Cobb, M.D., Hays County Judge, 111 East San Antonio Street, Suite 300, San Marcos, TX 78666.	Hays County Environmental Health Department, 1251 Civic Center Loop, San Marcos, TX 78666.	May 18, 2016	480321
Kaufman (FEMA Docket No.: B–1605).	City of Terrell (15–06–2277P).	The Honorable Hal Richards, Mayor, City of Terrell, 201 East Nash Street, Terrell, TX 75160.	Engineering Department, 201 East Nash Street, Terrell, TX 75160.	Apr. 1, 2016	480416
Kaufman (FEMA Docket No.: B–1607).	City of Terrell (15–06–2731P).	The Honorable Hal Richards, Mayor, City of Terrell, 201 East Nash Street, Terrell, TX 75160.	Engineering Department, 201 East Nash Street, Terrell, TX 75160.	May 16, 2016	480416
Kaufman (FEMA Docket No.: B–1605).	Unincorporated areas of Kaufman County (15–06–2277P).	Kaufman County Public Works Department, 3003 South Washington, Kaufman, TX 75142.	Kaufman County Public Works Department, 3003 South Washington, Kaufman, TX 75142.	Apr. 1, 2016	480411
Montgomery (FEMA Docket No.: B–1605).	Unincorporated areas of Montgomery County (15–06–2891P).	The Honorable Craig B. Doyal, Montgomery County Judge, 501 North Thompson, Suite 401, Conroe, TX 77301.	Montgomery County Permitting Department, 501 North Thompson, Suite 100, Conroe, TX 77301.	May 13, 2016	480483
Travis (FEMA Docket No.: B–1611).	Unincorporated areas of Travis County (15–06–4029P).	The Honorable Sarah Eckhardt, Travis County Judge, P.O. Box 1748, Austin, TX 78767.	Travis County Administration Building, 700 Lavaca Street, 5th Floor, Austin, TX 78767.	May 26, 2016	481026
Virginia:					
Albemarle (FEMA Docket No.: B–1611).	Unincorporated areas of Albemarle County (15–03–2153P).	The Honorable Thomas Foley, Albemarle County Executive, 401 McIntire Road, Charlottesville, VA 22902.	Albemarle County Department of Community Development, 401 McIntire Road, Charlottesville, VA 22902.	May 23, 2016	510006
Shenandoah (FEMA Docket No.: B–1611).	Unincorporated areas of Shenandoah County (15–03–2087P).	The Honorable Conrad A. Helsley, Chairman, Shenandoah County Board of Supervisors, 600 North Main Street, Suite 102, Woodstock, VA 22664.	Shenandoah County GIS Department, 600 North Main Street, Suite 102, Woodstock, VA 22664.	May 23, 2016	510147
Wyoming: Teton (FEMA Docket No.: B–1607).	Unincorporated areas of Teton County (16–08–0063P).	The Honorable Barbara Allen, Chair, Teton County Board of Commissioners, P.O. Box 3594, Jackson, WY 83001.	Teton County Engineering Department, 320 South King Street, Jackson, WY 83001.	May 26, 2016	560094

[FR Doc. 2016–18976 Filed 8–9–16; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2016–0002]

Changes in Flood Hazard Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Final notice.

SUMMARY: New or modified Base (1-percent annual chance) Flood Elevations (BFEs), base flood depths, Special Flood Hazard Area (SFHA) boundaries or zone designations, and/or regulatory floodways (hereinafter referred to as flood hazard determinations) as shown on the indicated Letter of Map Revision (LOMR) for each of the communities listed in the table below are finalized. Each LOMR revises the Flood Insurance Rate Maps (FIRMs), and in some cases the Flood Insurance Study (FIS) reports, currently in effect for the listed communities. The flood hazard determinations modified by each LOMR will be used to calculate flood insurance premium rates for new buildings and their contents.

DATES: The effective date for each LOMR is indicated in the table below.

ADDRESSES: Each LOMR is available for inspection at both the respective Community Map Repository address listed in the table below and online through the FEMA Map Service Center at *www.msc.fema.gov.*

FOR FURTHER INFORMATION CONTACT: Rick Sacbibit, Chief, Engineering Services Branch, Federal Insurance and Mitigation Administration, FEMA, 400 C Street SW., Washington, DC 20472, (202) 646–7659, or (email) *patrick.sacbibit@fema.dhs.gov*; or visit the FEMA Map Information eXchange (FMIX) online at *www.floodmaps.fema.gov/fhm/fmx_main.html.*

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency (FEMA) makes the final flood hazard determinations as shown in the LOMRs for each community listed in the table below. Notice of these modified flood hazard determinations has been published in newspapers of local circulation and 90 days have elapsed since that publication. The Deputy Associate Administrator for Insurance and Mitigation has resolved any appeals resulting from this notification.

The modified flood hazard determinations are made pursuant to section 206 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4105, and are in accordance with the National Flood Insurance Act of 1968, 42 U.S.C. 4001 *et seq.*, and with 44 CFR part 65.

For rating purposes, the currently effective community number is shown and must be used for all new policies and renewals.

The new or modified flood hazard information is the basis for the floodplain management measures that the community is required either to adopt or to show evidence of being already in effect in order to remain qualified for participation in the National Flood Insurance Program (NFIP).

This new or modified flood hazard information, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own or pursuant to policies established by other Federal, State, or regional entities.

This new or modified flood hazard determinations are used to meet the floodplain management requirements of the NFIP and also are used to calculate the appropriate flood insurance premium rates for new buildings, and for the contents in those buildings. The changes in flood hazard determinations are in accordance with 44 CFR 65.4.

Interested lessees and owners of real property are encouraged to review the final flood hazard information available at the address cited below for each community or online through the FEMA Map Service Center at *www.msc.fema.gov.*

(Catalog of Federal Domestic Assistance No. 97.022, "Flood Insurance.")

Dated: August 2, 2016.

Roy E. Wright,

Deputy Associate Administrator for Insurance and Mitigation, Department of Homeland Security, Federal Emergency Management Agency.

State and county	Location and case No.	Chief executive officer of community	Community map repository	Effective date of modification	Community No.
Colorado: Arapahoe (FEMA Docket No.: B–1611)	City of Aurora (15–08–1386P).	The Honorable Steve Hogan, Mayor, City of Aurora, 15151 East Alameda Parkway, Aurora, CO 80012.	City Hall, 15151 East Alameda Parkway, Aurora, CO 80012.	Jun. 10, 2016	080002
Arapahoe (FEMA Docket No.: B–1607).	Unincorporated areas of Arapahoe County (15–08–1087P).	The Honorable Nancy N. Sharpe, Chair, Arapahoe County Board of Commissioners, 5334 South Prince Street, Littleton, CO 80120.	Arapahoe County Public Works Department, 6924 South Lima Street, Littleton, CO 80122.	May 26, 2016	080011
Routt (FEMA Docket No.: B–1607).	City of Steamboat Springs (15–08–0994P).	The Honorable Walter Magill, President, City of Steamboat Springs Council, P.O. Box 775088, Steamboat Springs, CO 80477.	Planning and Zoning Department, P.O. Box 775088, Steamboat Springs, CO 80477.	May 31, 2016	080159
Connecticut: Hartford (FEMA Docket No.: B–1611).	Town of Simsbury (15–01–2526P).	The Honorable Lisa L. Heavner, First Selectman, Town of Simsbury, 933 Hopmeadow Street, Simsbury, CT 06070.	Town Hall, 933 Hopmeadow Street, Simsbury, CT 06070.	Jun. 3, 2016	090035
Florida: Broward (FEMA Docket No.: B–1607)	City of Pompano Beach (15–04–6416P).	The Honorable Lamar Fisher, Mayor, City of Pompano Beach, 100 West Atlantic Boulevard, Pompano Beach, FL 33060.	Building Inspections Department, 100 West Atlantic Boulevard, Pompano Beach, FL 33060.	May 27, 2016	120055
Collier (FEMA Docket No.: B–1611).	City of Marco Island (15–04–5962P).	The Honorable Bob Brown, Chairman, City of Marco Island Council, 50 Bald Eagle Drive, Marco Island, FL 34145.	Growth Management Department, 50 Bald Eagle Drive, Marco Island, FL 34145.	May 31, 2016	120426
Collier (FEMA Docket No.: B–1611).	City of Naples (16–04–1431P).	The Honorable John Sorey III, Mayor, City of Naples, 735 8th Street South, Naples, FL 34102.	Building Department, 295 Riverside Circle, Naples, FL 34102.	Jun. 9, 2016	125130

State and county	Location and case No.	Chief executive officer of community	Community map repository	Effective date of modification	Community No.
Hardee (FEMA Docket No.: B–1607).	City of Wauchula (14–04–9451P).	The Honorable Richard Keith Nadaskay, Jr., Mayor, City of Wauchula, 126 South 7th Avenue, Wauchula, FL 33873.	Administration Building, 126 South 7th Avenue, Wauchula, FL 33873.	May 27, 2016	120105
Hardee (FEMA Docket No.: B–1607).	Unincorporated areas of Hardee County (14–04–9451P).	The Honorable Rick Knight, Chairman, Hardee County Board of Commissioners, 412 West Orange Street, Room 103, Wauchula, FL 33873.	Hardee County, Planning and Development Department, 110 South 9th Avenue, Wauchula, FL 33873.	May 27, 2016	120103
Levy (FEMA Docket No.: B–1607).	City of Cedar Key (15–04–4427P).	The Honorable Heath Davis, Mayor, City of Cedar Key, 490 2nd Street, Cedar Key, FL 32625.	Building Department, 490 2nd Street, Cedar Key, FL 32625.	May 27, 2016	120373
Miami-Dade (FEMA Docket No.: B–1607).	City of Sunny Isles Beach (15–04–4049P).	The Honorable George "Bud" Scholl, Mayor, City of Sunny Isles Beach, 18070 Collins Avenue, Sunny Isles Beach, FL 33160.	Building Department, 18070 Collins Avenue, Sunny Isles Beach, FL 33160.	Jun. 2, 2016	120688
Miami-Dade (FEMA Docket No.: B–1611).	City of Sunny Isles Beach (15–04–7678P).	The Honorable George "Bud" Scholl, Mayor, City of Sunny Isles Beach, 18070 Collins Avenue, Sunny Isles Beach, FL 33160.	Building Department, 18070 Collins Avenue, Sunny Isles Beach, FL 33160.	Jun. 10, 2016	120688
Monroe (FEMA Docket No.: B–1611).	Village of Islamorada (16–04–1346P).	The Honorable Deb Gillis, Mayor, Village of Islamorada, 86800 Overseas Highway, Islamorada, FL 33036.	Planning and Development Department, 86800 Overseas Highway, Islamorada, FL 33036.	Jun. 1, 2016	120424
Monroe (FEMA Docket No.: B–1611).	Unincorporated areas of Monroe County (16–04–0087P).	The Honorable Heather Carruthers, Mayor, Monroe County Board of Commissioners, 500 Whitehead Street, Suite 102, Key West, FL 33040.	Monroe County Department of Planning and Environmental Resources, 2798 Overseas Highway, Marathon, FL 33050.	Jun. 2, 2016	125129
Orange (FEMA Docket No.: B–1607).	City of Orlando (16–04–0720P).	The Honorable Buddy W. Dyer, Mayor, City of Orlando, P.O. Box 4990, Orlando, FL 32802.	Public Works Department, 400 South Orange Avenue, 8th Floor, Orlando, FL 32801.	May 31, 2016	120186
St. Johns (FEMA Docket No.: B–1611).	Unincorporated areas of St. Johns County (16–04–0826P).	The Honorable Jeb Smith, Chairman, St. Johns County Board of Commissioners, 500 San Sebastian View, St. Augustine, FL 32084.	St. Johns County, Building Services Division, 4040 Lewis Speedway, St. Augustine, FL 32084.	May 31, 2016	125147
Georgia: Coweta (FEMA Docket No.: B–1607).	City of Newnan (16–04–0314P).	The Honorable Keith Brady, Mayor, City of Newnan, 25 LaGrange Street, Newnan, GA 30263.	Public Works Department, 25 LaGrange Street, Newnan, GA 30263.	Jun. 3, 2016	130062
Kentucky: Barren (FEMA Docket No.: B–1607)	City of Glasgow (15–04–9280P).	The Honorable Dick Doty, Mayor, City of Glasgow, 126 East Public Square, Glasgow, KY 42141.	Public Works Department, 310 West Front Street, Glasgow, KY 42141.	Jun. 3, 2016	210007
Barren (FEMA Docket No.: B–1607).	Unincorporated areas of Barren County (15–04–9280P).	The Honorable Michael Hale, Barren County Judge Executive, 117 North Public Square, Suite 3A, Glasgow, KY 42141.	Barren County Government Center, 117 North Public Square, Glasgow, KY 42141.	Jun. 3, 2016	210334
Boyd (FEMA Docket No.: B–1607).	Unincorporated areas of Boyd County (15–04–9647P).	The Honorable Steve Towler, Boyd County Judge, P.O. Box 423, Catlettsburg, KY 41129.	Boyd County Floodplain and Code Enforcement Department, 2800 Louisa Street, Catlettsburg, KY 41129.	May 27, 2016	210016
New Mexico: Bernalillo (FEMA Docket No.: B–1607)	City of Albuquerque (15–06–0643P).	The Honorable Richard J. Berry, Mayor, City of Albuquerque, P.O. Box 1293, Albuquerque, NM, 87103.	Planning Department, 600 2nd Street Northwest, Albuquerque, NM 87102.	May 31, 2016	350002
Bernalillo (FEMA Docket No.: B–1611).	Unincorporated areas of Bernalillo County (15–06–1772P).	The Honorable Maggie Hart Stebbins, Chair, Bernalillo County Board of Commissioners, 1 Civic Plaza Northwest, Albuquerque, NM 87102.	Bernalillo County Public Works Division, 2400 Broadway Boulevard Southeast, Albuquerque, NM 87102.	Jun. 10, 2016	350001
Tennessee: Hamilton (FEMA Docket No.: B–1628).	City of Chattanooga (15–04–9959P).	The Honorable Andy Berke, Mayor, City of Chattanooga, 101 East 11th Street, Chattanooga, TN 37402.	Planning Department, 1250 Market Street, Chattanooga, TN 37402.	Jun. 6, 2016	470072
Texas: Collin (FEMA Docket No.: B–1611)	City of Allen (15–06–3685P).	The Honorable Stephen Terrell, Mayor, City of Allen, 305 Century Parkway, 1st Floor, Allen, TX 75013.	Engineering Department, 305 Century Parkway, Allen, TX 75013.	Jun. 10, 2016	480259
Denton (FEMA Docket No.: B–1607).	City of Frisco (15–06–4148P).	The Honorable Maher Maso, Mayor, City of Frisco, 6101 Frisco Square Boulevard, Frisco, TX 75034.	Engineering Services Department, 6101 Frisco Square Boulevard, Frisco, TX 75034.	May 31, 2016	480134
Denton (FEMA Docket No.: B–1607).	Town of Little Elm (15–06–4148P).	The Honorable David Hillock, Mayor, Town of Little Elm, 100 West Eldorado Parkway, Little Elm, TX 75068.	Development Services Department, 100 West Eldorado Parkway, Little Elm, TX 75068.	May 31, 2016	481152
El Paso (FEMA Docket No.: B–1611).	City of El Paso (15–06–0864P).	The Honorable Oscar Leeser, Mayor, City of El Paso, 300 North Campbell Street, El Paso, TX 79901.	Land Development Department, 801 Texas Avenue, El Paso, TX 79901.	Jun. 9, 2016	480214
Grayson (FEMA Docket No.: B–1611).	City of Denison (15–06–2276P).	The Honorable Jared Johnson, Mayor, City of Denison, P.O. Box 347, Denison, TX 75021.	City Hall, 500 West Chestnut Street, Denison, TX 75020.	Jun. 8, 2016	480259
Grayson (FEMA Docket No.: B–1611).	Unincorporated areas of Grayson County (15–06–2276P).	The Honorable Bill Magers, Grayson County Judge, 100 West Houston Street, Sherman, TX 75090.	Grayson County Development Services Department, 100 West Houston Street, Sherman, TX 75090.	Jun. 8, 2016	480829

State and county	Location and case No.	Chief executive officer of community	Community map repository	Effective date of modification	Community No.
Tarrant (FEMA Docket No.: B–1607).	City of Fort Worth (15–06–0830P).	The Honorable Betsy Price, Mayor, City of Fort Worth, 1000 Throckmorton Street, Fort Worth, TX 76102.	City Hall, 1000 Throckmorton Street, Fort Worth, TX 76102.	May 31, 2016	480596
Travis (FEMA Docket No.: B–1611).	City of Pflugerville (15–06–3658P).	The Honorable Jeff Coleman, Mayor, City of Pflugerville, P.O. Box 589, Pflugerville, TX 78660.	Development Services Department, 201–B East Pecan Street, Pflugerville, TX 78691.	Jun. 3, 2016	481028
Travis (FEMA Docket No.: B–1611).	Unincorporated areas of Travis County (15–06–3658P).	The Honorable Sarah Eckhardt, Travis County Judge, P.O. Box 1748, Austin, TX 78767.	Travis County Engineering Department, 700 Lavaca Street, Austin, TX 78767.	Jun. 3, 2016	481026
Virginia:					
Chesterfield (FEMA Docket No.: B–1611)	Unincorporated areas of Chesterfield County (15–03–2769P).	The Honorable Steve A. Elswick, Chairman, Chesterfield County Board of Supervisors, P.O. Box 40, Chesterfield, VA 23832.	Chesterfield County Department of Environmental Engineering, 9800 Government Center Parkway, Chesterfield, VA 23832.	Jun. 10, 2016	510035
Fauquier (FEMA Docket No.: B–1611).	Unincorporated areas of Fauquier County (15–03–0741P).	The Honorable Chester W. Stribling, Chairman, Fauquier County Board of Supervisors, 10 Hotel Street, Suite 208, Warrenton, VA 20186.	Fauquier County Department of Community Development, Zoning and Development Services, 29 Ashby Street, Suite 310, Warrenton, VA 20186.	Jun. 9, 2016	510055
Mecklenburg (FEMA Docket, No.: B–1607).	Unincorporated areas of Mecklenburg County (15–03–1485P).	The Honorable Glenn E. Barbour, Chairman, Mecklenburg County Board of Supervisors, P.O. Box 729, South Hill, VA 23970.	Mecklenburg County Zoning Department, P.O. Box 307, Boydton, VA 23917.	May 26, 2016	510189

[FR Doc. 2016–18970 Filed 8–9–16; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2016–0002; Internal Agency Docket No. FEMA–B–1634]

Proposed Flood Hazard Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: Comments are requested on proposed flood hazard determinations, which may include additions or modifications of any Base Flood Elevation (BFE), base flood depth, Special Flood Hazard Area (SFHA) boundary or zone designation, or regulatory floodway on the Flood Insurance Rate Maps (FIRMs), and where applicable, in the supporting Flood Insurance Study (FIS) reports for the communities listed in the table below. The purpose of this notice is to seek general information and comment regarding the preliminary FIRM, and where applicable, the FIS report that the Federal Emergency Management Agency (FEMA) has provided to the affected communities. The FIRM and FIS report are the basis of the floodplain management measures that the community is required either to adopt or to show evidence of having in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP). In addition, the FIRM and FIS report, once effective, will be used by insurance agents and others to calculate appropriate flood insurance premium rates for new buildings and the contents of those buildings.

DATES: Comments are to be submitted on or before November 8, 2016.

ADDRESSES: The Preliminary FIRM, and where applicable, the FIS report for each community are available for inspection at both the online location and the respective Community Map Repository address listed in the tables below. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at *www.msc.fema.gov* for comparison.

You may submit comments, identified by Docket No. FEMA–B–1634, to Rick Sacbibit, Chief, Engineering Services Branch, Federal Insurance and Mitigation Administration, FEMA, 400 C Street SW., Washington, DC 20472, (202) 646–7659, or (email) *patrick.sacbibit@fema.dhs.gov.*

FOR FURTHER INFORMATION CONTACT: Rick Sacbibit, Chief, Engineering Services Branch, Federal Insurance and Mitigation Administration, FEMA, 400 C Street SW., Washington, DC 20472, (202) 646–7659, or (email) *patrick.sacbibit@fema.dhs.gov;* or visit the FEMA Map Information eXchange (FMIX) online at *www.floodmaps.fema.gov/fhm/fmx_main.html.*

SUPPLEMENTARY INFORMATION: FEMA proposes to make flood hazard determinations for each community listed below, in accordance with section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR 67.4(a).

These proposed flood hazard determinations, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own or pursuant to policies established by other Federal, State, or regional entities. These flood hazard determinations are used to meet the floodplain management requirements of the NFIP and also are used to calculate the appropriate flood insurance premium rates for new buildings built after the FIRM and FIS report become effective.

The communities affected by the flood hazard determinations are provided in the tables below. Any request for reconsideration of the revised flood hazard information shown on the Preliminary FIRM and FIS report that satisfies the data requirements outlined in 44 CFR 67.6(b) is considered an appeal. Comments unrelated to the flood hazard determinations also will be considered before the FIRM and FIS report become effective.

Use of a Scientific Resolution Panel (SRP) is available to communities in support of the appeal resolution process. SRPs are independent panels of experts in hydrology, hydraulics, and other pertinent sciences established to review conflicting scientific and technical data and provide recommendations for resolution. Use of the SRP only may be exercised after FEMA and local communities have been engaged in a collaborative consultation process for at least 60 days without a mutually acceptable resolution of an appeal. Additional information regarding the SRP process can be found online at *http://floodsrp.org/pdfs/srp_fact_sheet.pdf.*

The watersheds and/or communities affected are listed in the tables below. The Preliminary FIRM, and where applicable, FIS report for each community are available for inspection at both the online location and the respective Community Map Repository address listed in the tables. For communities with multiple ongoing Preliminary studies, the studies can be identified by the unique project number and Preliminary FIRM date listed in the tables. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at *www.msc.fema.gov* for comparison.

(Catalog of Federal Domestic Assistance No. 97.022, "Flood Insurance.")

Dated: August 2, 2016.

Roy E. Wright,

Deputy Associate Administrator for Insurance and Mitigation, Department of Homeland Security, Federal Emergency Management Agency.

I. Non-watershed-based studies:

Community	Community map repository address
Montgomery County, New York (All Jurisdictions)	
Maps Available for Inspection Online at: *http://www.fema.gov/preliminaryfloodhazarddata*	
Project: 16–02–0009S Preliminary Date: February 19, 2016	
City of Amsterdam	City Hall, 61 Church Street, Amsterdam, NY 12010.
Town of Amsterdam	Amsterdam Town Office Building, 283 Manny's Corners Road, Amsterdam, NY 12010.
Town of Canajoharie	Canajoharie Town Office, 12 Mitchell Street, Canajoharie, NY 13317.
Town of Charleston	Charleston Municipal Building, 480 Corbin Hill Road, Sprakers, NY 12166.
Town of Florida	Florida Town Office Building, 214 Fort Hunter Road, Amsterdam, NY 12010.
Town of Glen	Glen Town Office, 7 Erie Street, Fultonville, NY 12072.
Town of Minden	Minden Municipal Town Building, 134 Highway 80, Fort Plain, NY 13339.
Town of Mohawk	Town of Mohawk, Richard A. Papa Office Building, 2–4 Park Street, Fonda, NY 12068.
Town of Palatine	Palatine Town Office, 141 West Grand Street, Palatine Bridge, NY 13428.
Town of Root	Root Town Office, 1048 Carlisle Road, Sprakers, NY 13317.
Town of St. Johnsville	St. Johnsville Town Office, 7431 State Highway 5, St. Johnsville, NY 13452.
Village of Ames	Village Office, 595 Latimer Hill Road, Ames, NY 13317.
Village of Canajoharie	Canajoharie Village Office, 75 Erie Boulevard, Canajoharie, NY 13317.
Village of Fonda	Municipal Building, 8 East Main Street, Fonda, NY 12068.
Village of Fort Johnson	Municipal Building, 1 Prospect Street, Fort Johnson, NY 12070.
Village of Fort Plain	Village Hall, 168 Canal Street, Fort Plain, NY 13339.
Village of Fultonville	Village Court Municipal Building, 10 Erie Street, Fultonville, NY 12072.
Village of Hagaman	Pawling Hall, 86 Pawling Street, Hagaman, NY 12086.
Village of Nelliston	Village Municipal Building, 11 River Street, Nelliston, NY 13410.
Village of Palatine Bridge	Village Office, 11 West Grand Street, Palatine Bridge, NY 13428.
Village of St. Johnsville	St. Johnsville Village Office, 16 Washington Street, St. Johnsonville, NY 13452.
Niagara County, New York (All Jurisdictions)	
Maps Available for Inspection Online at: *http://www.fema.gov/preliminaryfloodhazarddata*	
Project: 16–02–0007S Preliminary Date: May 9, 2016	
Town of Pendleton	Pendleton Town Hall, 6570 Campbell Boulevard, Lockport, NY 14094.
Butler County, Ohio and Incorporated Areas	
Maps Available for Inspection Online at: *http://www.fema.gov/preliminaryfloodhazarddata*	
Project: 15–05–6384S Preliminary Dates: April 25, 2014 & September 18, 2015	
City of Fairfield	City Hall, 5350 Pleasant Avenue, Fairfield, OH 45014.
City of Hamilton	Department of Community Development, Planning Division, 345 High Street, Suite 370, Hamilton, OH 45011.

[FR Doc. 2016–18974 Filed 8–9–16; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2016–0002; Internal Agency Docket No. FEMA–B–1636]

Proposed Flood Hazard Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: Comments are requested on proposed flood hazard determinations, which may include additions or modifications of any Base Flood Elevation (BFE), base flood depth, Special Flood Hazard Area (SFHA) boundary or zone designation, or regulatory floodway on the Flood Insurance Rate Maps (FIRMs), and where applicable, in the supporting Flood Insurance Study (FIS) reports for the communities listed in the table below. The purpose of this notice is to seek general information and comment regarding the preliminary FIRM, and where applicable, the FIS report that the Federal Emergency Management Agency (FEMA) has provided to the affected communities. The FIRM and FIS report are the basis of the floodplain management measures that the community is required either to adopt or to show evidence of having in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP). In addition, the FIRM and FIS report, once effective, will be used by insurance agents and others to calculate appropriate flood insurance premium rates for new buildings and the contents of those buildings.

DATES: Comments are to be submitted on or before November 8, 2016.

ADDRESSES: The Preliminary FIRM, and where applicable, the FIS report for each community are available for inspection at both the online location and the respective Community Map Repository address listed in the tables below. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at *www.msc.fema.gov* for comparison.

You may submit comments, identified by Docket No. FEMA–B–1636, to Rick Sacbibit, Chief, Engineering Services Branch, Federal Insurance and Mitigation Administration, FEMA, 400 C Street SW., Washington, DC 20472, (202) 646–7659, or (email) *patrick.sacbibit@fema.dhs.gov.*

FOR FURTHER INFORMATION CONTACT: Rick Sacbibit, Chief, Engineering Services Branch, Federal Insurance and Mitigation Administration, FEMA, 400 C Street SW., Washington, DC 20472, (202) 646–7659, or (email) *patrick.sacbibit@fema.dhs.gov*; or visit the FEMA Map Information eXchange (FMIX) online at *www.floodmaps.fema.gov/fhm/fmx_main.html.*

SUPPLEMENTARY INFORMATION: FEMA proposes to make flood hazard determinations for each community listed below, in accordance with section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR 67.4(a).

These proposed flood hazard determinations, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own or pursuant to policies established by other Federal, State, or regional entities. These flood hazard determinations are used to meet the floodplain management requirements of the NFIP and also are used to calculate the appropriate flood insurance premium rates for new buildings built after the FIRM and FIS report become effective.

The communities affected by the flood hazard determinations are provided in the tables below. Any request for reconsideration of the revised flood hazard information shown on the Preliminary FIRM and FIS report that satisfies the data requirements outlined in 44 CFR 67.6(b) is considered an appeal. Comments unrelated to the flood hazard determinations also will be considered before the FIRM and FIS report become effective.

Use of a Scientific Resolution Panel (SRP) is available to communities in support of the appeal resolution process. SRPs are independent panels of experts in hydrology, hydraulics, and other pertinent sciences established to review conflicting scientific and technical data and provide recommendations for resolution. Use of the SRP only may be exercised after FEMA and local communities have been engaged in a collaborative consultation process for at least 60 days without a mutually acceptable resolution of an appeal. Additional information regarding the SRP process can be found online at *http://floodsrp.org/pdfs/srp_fact_sheet.pdf.*

The watersheds and/or communities affected are listed in the tables below. The Preliminary FIRM, and where applicable, FIS report for each community are available for inspection at both the online location and the respective Community Map Repository address listed in the tables. For communities with multiple ongoing Preliminary studies, the studies can be identified by the unique project number and Preliminary FIRM date listed in the tables. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at *www.msc.fema.gov* for comparison.

(Catalog of Federal Domestic Assistance No. 97.022, "Flood Insurance.")

Dated: August 2, 2016.

Roy E. Wright,

Deputy Associate Administrator for Insurance and Mitigation, Department of Homeland Security, Federal Emergency Management Agency.

Community	Community map repository address
Delaware County, Pennsylvania (All Jurisdictions)	
Maps Available for Inspection Online at: *http://www.fema.gov/preliminaryfloodhazarddata*	
Project: 14–03–2024S Preliminary Date: March 4, 2016	
City of Chester	Planning Department, 1 4th Street, Chester, PA 19013.
Borough of Upland	Municipal Office, 224 Castle Avenue, Upland, PA 19015.

[FR Doc. 2016–18982 Filed 8–9–16; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2016–0002; Internal Agency Docket No. FEMA–B–1637]

Changes in Flood Hazard Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice lists communities where the addition or modification of Base Flood Elevations (BFEs), base flood depths, Special Flood Hazard Area (SFHA) boundaries or zone designations, or the regulatory floodway (hereinafter referred to as flood hazard determinations), as shown on the Flood Insurance Rate Maps (FIRMs), and where applicable, in the supporting Flood Insurance Study (FIS) reports, prepared by the Federal Emergency Management Agency (FEMA) for each community, is appropriate because of new scientific or technical data. The FIRM, and where applicable, portions of the FIS report, have been revised to reflect these flood hazard determinations through issuance of a Letter of Map Revision (LOMR), in accordance with Title 44, Part 65 of the Code of Federal Regulations (44 CFR part 65). The LOMR will be used by insurance agents and others to calculate appropriate flood insurance premium rates for new buildings and the contents of those buildings. For rating purposes, the currently effective community number is shown in the table below and must be used for all new policies and renewals.

DATES: These flood hazard determinations will become effective on the dates listed in the table below and revise the FIRM panels and FIS report in effect prior to this determination for the listed communities.

From the date of the second publication of notification of these changes in a newspaper of local circulation, any person has 90 days in which to request through the community that the Deputy Associate Administrator for Mitigation reconsider the changes. The flood hazard determination information may be changed during the 90-day period.

ADDRESSES: The affected communities are listed in the table below. Revised flood hazard information for each community is available for inspection at both the online location and the respective community map repository address listed in the table below. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at *www.msc.fema.gov* for comparison.

Submit comments and/or appeals to the Chief Executive Officer of the community as listed in the table below.

FOR FURTHER INFORMATION CONTACT: Rick Sacbibit, Chief, Engineering Services Branch, Federal Insurance and Mitigation Administration, FEMA, 400 C Street SW., Washington, DC 20472, (202) 646–7659, or (email) *patrick.sacbibit@fema.dhs.gov;* or visit the FEMA Map Information eXchange (FMIX) online at *www.floodmaps.fema.gov/fhm/fmx_main.html.*

SUPPLEMENTARY INFORMATION: The specific flood hazard determinations are not described for each community in this notice. However, the online location and local community map repository address where the flood hazard determination information is available for inspection is provided.

Any request for reconsideration of flood hazard determinations must be submitted to the Chief Executive Officer of the community as listed in the table below.

The modifications are made pursuant to section 201 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4105, and are in accordance with the National Flood Insurance Act of 1968, 42 U.S.C. 4001 *et seq.,* and with 44 CFR part 65.

The FIRM and FIS report are the basis of the floodplain management measures that the community is required either to adopt or to show evidence of having in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

These flood hazard determinations, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own or pursuant to policies established by other Federal, State, or regional entities. The flood hazard determinations are in accordance with 44 CFR 65.4.

The affected communities are listed in the following table. Flood hazard determination information for each community is available for inspection at both the online location and the respective community map repository address listed in the table below. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at *www.msc.fema.gov* for comparison.

(Catalog of Federal Domestic Assistance No. 97.022, "Flood Insurance.")

Dated: August 2, 2016.

Roy E. Wright,

Deputy Associate Administrator for Insurance and Mitigation, Department of Homeland Security, Federal Emergency Management Agency.

State and county	Location and case No.	Chief executive officer of community	Community map repository	Online location of letter of map revision	Effective date of modification	Community No.
Alabama: Jefferson	City of Birmingham (15–04–9138P).	The Honorable William A. Bell, Sr., Mayor, City of Birmingham, 710 North 20th Street, 3rd Floor, Birmingham, AL 35203.	City Hall, 710 North 20th Street, 3rd Floor, Birmingham, AL 35203.	*http://www.msc.fema.gov/lomc*	Sep. 8, 2016	010116
Arkansas:						
Benton	City of Rogers (15–06–1737P).	The Honorable Greg Hines, Mayor, City of Rogers, 301 West Chestnut Street, Rogers, AR 72756.	City Hall, 301 West Chestnut Street, Rogers, AR 72756.	*http://www.msc.fema.gov/lomc*	Sep. 12, 2016	050013
Pulaski	City of North Little Rock (15–06–4244P).	The Honorable Joe Smith, Mayor, City of North Little Rock, P.O. Box 5757, North Little Rock, AR 72119.	Planning Department, 120 Main Street, North Little Rock, AR 72114.	*http://www.msc.fema.gov/lomc*	Sep. 23, 2016	050182

State and county	Location and case No.	Chief executive officer of community	Community map repository	Online location of letter of map revision	Effective date of modification	Community No.
Pulaski	City of Sherwood (15–06–4244P).	The Honorable Virginia Hillman Young, Mayor, City of Sherwood, P.O. Box 6256, Sherwood, AR 72120.	Engineering, Permit and Planning Department, 2199 East Kiehl Avenue, Sherwood, AR 72124.	*http://www.msc.fema.gov/lomc*	Sep. 23, 2016	050235
Colorado:						
Denver	City and County of Denver (16–08–0657P).	The Honorable Michael B. Hancock, Mayor, City and County of Denver, 1437 Bannock Street, Suite 350, Denver, CO 80202.	Department of Public Works, 201 West Colfax Avenue, Denver, CO 80202.	*http://www.msc.fema.gov/lomc*	Sep. 29, 2016	080046
El Paso	City of Fountain (16–08–0082P).	The Honorable Gabriel Ortega, Mayor, City of Fountain, 116 South Main Street, Fountain, CO 80817.	Planning Division, 116 South Main Street, Fountain, CO 80817.	*http://www.msc.fema.gov/lomc*	Sep. 29, 2016	080061
El Paso	Unincorporated areas of El Paso County (16–08–0082P).	The Honorable Amy Lathen, Chair, El Paso County Board of Commissioners, 200 South Cascade Avenue, Suite 100, Colorado Springs, CO 80903.	El Paso County Regional Development Center, 2880 International Circle, Colorado Springs, CO 80910.	*http://www.msc.fema.gov/lomc*	Sep. 29, 2016	080059
Connecticut: Fairfield.	Town of Trumbull (16–01–0265P).	The Honorable Timothy M. Herbst, First Selectman, Town of Trumbull Board of Selectmen, 5866 Main Street, Trumbull, CT 06611.	Town Hall, 5866 Main Street, Trumbull, CT 06611.	*http://www.msc.fema.gov/lomc*	Sep.23, 2016	090017
Florida:						
Broward	City of Dania Beach (16–04–1347P).	The Honorable Marco Salvino, Sr., Mayor, City of Dania Beach, 100 West Dania Beach Boulevard, Dania Beach, FL 33004.	City Hall, 100 West Dania Beach Boulevard, Dania Beach, FL 33004.	*http://www.msc.fema.gov/lomc*	Sep. 14, 2016	120034
Broward	City of Hollywood (16–04–1347P).	The Honorable Peter Bober, Mayor, City of Hollywood, P.O. Box 229045, Hollywood, FL 33022.	City Hall, 2600 Hollywood Boulevard, Hollywood, FL 33020.	*http://www.msc.fema.gov/lomc*	Sep. 14, 2016	125113
Broward	City of Pompano Beach (16–04–3054X).	The Honorable Lamar Fisher, Mayor, City of Pompano Beach, 100 West Atlantic Boulevard, Pompano Beach, FL 33060.	Building Inspections Department, 100 West Atlantic Boulevard, Pompano Beach, FL 33060.	*http://www.msc.fema.gov/lomc*	Sep. 16, 2016	120055
Flagler	City of Bunnell (16–04–2729P).	The Honorable Catherine Robinson, Mayor, City of Bunnell, P.O. Box 756, Bunnell, FL 32110.	City Hall, 201 West Moody Boulevard, Bunnell, FL 32110.	*http://www.msc.fema.gov/lomc*	Sep. 22, 2016	120086
Flagler	City of Palm Coast (16–04–2729P).	The Honorable Jon Netts, Mayor, City of Palm Coast, 160 Lake Avenue, Palm Coast, FL 32164.	City Hall, 160 Lake Avenue, Palm Coast, FL 32164.	*http://www.msc.fema.gov/lomc*	Sep. 22, 2016	120684
Hillsborough	Unincorporated areas of Hillsborough County (16–04–3005P).	Mr. Mike Merrill, Hillsborough County Administrator, P.O. Box 1110, Tampa, FL 33601.	Hillsborough County Administrator's Office, 601 East Kennedy Boulevard, 26th Floor, Tampa, FL 33602.	*http://www.msc.fema.gov/lomc*	Sep. 26, 2016	120112
Orange	Unincorporated areas of Orange County (16–04–4432X).	The Honorable Teresa Jacobs, Mayor, Orange County, 201 South Rosalind Avenue, 5th Floor, Orlando, FL 32801.	Orange County Government Office, 201 South Rosalind Avenue, 1st Floor, Orlando, FL 32801.	*http://www.msc.fema.gov/lomc*	Sep. 19, 2016	120179
Georgia: Grady	Unincorporated areas of Grady County (16–04–4551X).	The Honorable Charlie Norton, Chairman, Grady County Board of Commissioners, 250 North Broad Street, Cairo, GA 39828.	Grady County Code Enforcement Division, 250 North Broad, Street Cairo, GA 39828.	*http://www.msc.fema.gov/lomc*	Sep. 29, 2016	130096
Kentucky						
Boyle	Unincorporated areas of Boyle County (16–04–3037P).	The Honorable Harold McKinney, Boyle County Judge/Executive, 321 West Main Street, Room 111, Danville, KY 40422.	Boyle County Public Works Department, 1858 South Danville Bypass, Danville, KY 40422.	*http://www.msc.fema.gov/lomc*	Aug. 31, 2016	210322

State and county	Location and case No.	Chief executive officer of community	Community map repository	Online location of letter of map revision	Effective date of modification	Community No.
Hardin	City of Elizabethtown (15–04–8215P).	The Honorable Edna Berger, Mayor, City of Elizabethtown, P.O. Box 550, Elizabethtown, KY 42702.	City Hall, 200 West Dixie Avenue, Elizabethtown, KY 42701.	*http://www.msc.fema.gov/lomc*	Sep. 19, 2016	210095
Hardin	Unincorporated areas of Hardin County (15–04–8215P).	The Honorable Harry L. Berry, Hardin County Judge/Executive, P.O. Box 568, Elizabethtown, KY 42702.	Hardin County Government Building, 150 North Provident Way, Elizabethtown, KY 42701.	*http://www.msc.fema.gov/lomc*	Sep. 19, 2016	210094
Maryland: Montgomery.	Unincorporated areas of Montgomery County (16–03–0003P).	The Honorable Isiah Leggett, Montgomery County Executive, 101 Monroe Street, 2nd Floor, Rockville, MD 20850.	Montgomery County Department of Permitting Services, 255 Rockville Pike, Rockville, MD 20850.	*http://www.msc.fema.gov/lomc*	Sep. 15, 2016	240049
Maine: Knox	Town of Owls Head (16–01–1529P).	The Honorable Linda Post, Chair, Town of Owls Head Board of Selectmen, P.O. Box 128, Owls Head, ME 04854.	Town Hall, 224 Ash Point Drive, Owls Head, ME 04854.	*http://www.msc.fema.gov/lomc*	Sep. 23, 2016	230075
Oklahoma:						
Oklahoma	City of Edmond (15–06–1048P).	The Honorable Charles Lamb, Mayor, City of Edmond, P.O. Box 2970, Edmond, OK 73083.	Engineering/Drainage Utility Department, 10 South Littler Avenue, Edmond, OK 73084.	*http://www.msc.fema.gov/lomc*	Sep. 12, 2016	400252
Oklahoma	City of The Village (14–06–4742P).	The Honorable Hutch Hibbard, Mayor, City of The Village, 2304 Manchester Drive, The Village, OK 73120.	Building and Code Department, 2304 Manchester Drive, The Village, OK 73120.	*http://www.msc.fema.gov/lomc*	Oct.10, 2016	400420
Wagoner	City of Broken Arrow (14–06–4075P).	The Honorable Craig Thurmond, Mayor, City of Broken Arrow, 220 South 1st Street, Broken Arrow, OK 74012.	Operations Building, 485 North Poplar Avenue, Broken Arrow, OK 74012.	*http://www.msc.fema.gov/lomc*	Oct.3, 2016	400236
Wagoner	Unincorporated areas of Wagoner County (14–06–4075P).	The Honorable Chris Edwards, Chairman, Wagoner County Board of Commissioners, P.O. Box 156, Wagoner, OK 74477.	Wagoner County Courthouse, 307 East Cherokee Street, Wagoner, OK 74467.	*http://www.msc.fema.gov/lomc*	Oct.3, 2016	400215
Creek	City of Sapulpa (16–06–0371P).	The Honorable Reg Green, Mayor, City of Sapulpa, P.O. Box 1130, Sapulpa, OK 74067.	Urban Development Department, 425 East Dewey Avenue, Sapulpa, OK 74067.	*http://www.msc.fema.gov/lomc*	Sep. 12, 2016	400053
Creek	Unincorporated areas of Creek County (16–06–0371P).	The Honorable Newt Stephens, Jr., Chairman, Creek County Board of Commissioners, 317 East Lee Avenue, Suite 103, Sapulpa, OK 74067.	Creek County Stormwater Management Department, 317 East Lee Avenue, Suite 102, Sapulpa, OK 74067.	*http://www.msc.fema.gov/lomc*	Sep. 12, 2016	400490
Tulsa	City of Jenks (16–06–0371P).	The Honorable Kelly Dunkerley, Mayor, City of Jenks, P.O. Box 2007, Jenks, OK 74037.	Engineering Department, 211 North Elm Street, Jenks, OK 74037.	*http://www.msc.fema.gov/lomc*	Sep. 12, 2016	400209
Tulsa	City of Tulsa (15–06–0631P).	The Honorable Dewey F. Bartlett, Jr., Mayor, City of Tulsa, 175 East 2nd Street, 15th Floor, Tulsa, OK 74103.	Planning and Development Department, 175 East 2nd Street, 4th Floor, Tulsa, OK 74103.	*http://www.msc.fema.gov/lomc*	Sep. 13, 2016	405381
Tulsa	Unincorporated areas of Tulsa County (15–06–0631P).	The Honorable Karen Keith, Chair, Tulsa County Board of Commissioners, 500 South Denver Avenue, Tulsa, OK 74103.	Tulsa County, Inspections Office, 633 West 3rd Street, Room 140, Tulsa, OK 74127.	*http://www.msc.fema.gov/lomc*	Sep. 13, 2016	400462
Tulsa	Unincorporated areas of Tulsa County (16–06–0371P).	The Honorable Karen Keith, Chair, Tulsa County Board of Commissioners, 500 South Denver Avenue, Tulsa, OK 74103.	Tulsa County Inspections Office, 633 West 3rd Street, Room 140, Tulsa, OK 74127.	*http://www.msc.fema.gov/lomc*	Sep. 12, 2016	400462
Pennsylvania:						

State and county	Location and case No.	Chief executive officer of community	Community map repository	Online location of letter of map revision	Effective date of modification	Community No.
Dauphin	Township of Derry (15–03–0854P).	The Honorable Marc A. Moyer, Chairman, Township of Derry Board of Supervisors, 600 Clearwater Road, Hershey, PA 17033.	Community Development Department, 600 Clearwater Road, Hershey, PA 17033.	*http://www.msc.fema.gov/lomc*	Sep. 9, 2016	420376
Dauphin	Township of Londonderry (15–03–0854P).	The Honorable Bart Shellenhamer, Chairman, Township of Londonderry Board of Supervisors, 783 South Geyers Church Road, Middletown, PA 17057.	Township Hall, 783 South Geyers Church Road, Middletown, PA 17057.	*http://www.msc.fema.gov/lomc*	Sep. 9, 2016	420383
Dauphin	Township of Lower Swatara (15–03–0854P).	The Honorable Thomas L. Mehaffie III, President, Township of Lower Swatara, Board of Commissioners, 1499 Spring Garden Drive, Middletown, PA 17057.	Township Municipal Building, 1499 Spring Garden Drive, Middletown, PA 17057.	*http://www.msc.fema.gov/lomc*	Sep. 9, 2016	420385
South Carolina:						
Charleston	Town of Mount Pleasant (16–04–3547P).	The Honorable Linda Page, Mayor, Town of Mount Pleasant, 100 Ann Edwards Lane, Mount Pleasant, SC 29464.	Planning Department, 100 Ann Edwards Lane, Mount Pleasant, SC 29464.	*http://www.msc.fema.gov/lomc*	Oct. 3, 2016	455417
Charleston	Unincorporated areas of Charleston County (16–04–3547P).	The Honorable J. Elliott Summey, Chairman, Charleston County Board of Commissioners, 4045 Bridge View Drive, North Charleston, SC 29405.	Charleston County Building Inspection Services Department, 4045 Bridge View Drive, North Charleston, SC 29405.	*http://www.msc.fema.gov/lomc*	Oct. 3, 2016	455413
South Dakota:						
Meade	City of Sturgis (15–08–0375P).	The Honorable Mark Carstensen, Mayor, City of Sturgis, 1040 Harley-Davidson Way, Sturgis, SD 57785.	Planning and Permitting Office, 1040 Harley-Davidson Way, Sturgis, SD 57785.	*http://www.msc.fema.gov/lomc*	Sep. 15, 2016	460055
Minnehaha	City of Hartford (16–08–0101P).	The Honorable Bill Campbell, Mayor, City of Hartford, 125 North Main Avenue, Hartford, SD 57033.	City Hall, 125 North Main Avenue, Hartford, SD 57033.	*http://www.msc.fema.gov/lomc*	Sep. 23, 2016	460180
Minnehaha	Unincorporated areas of Minnehaha County (16–08–0101P).	The Honorable Cindy Heiberger, Chair, Minnehaha County Board of Commissioners, 415 North Dakota Avenue, Sioux Falls, SD 57104.	Minnehaha County Administration Building, 415 North Dakota Avenue, Sioux Falls, SD 57104.	*http://www.msc.fema.gov/lomc*	Sep. 23, 2016	460057
Tennessee:						
Washington	City of Johnson City (16–04–1191P).	The Honorable Clayton Stout, Mayor, City of Johnson City, 601 East Main Street, Johnson City, TN 37601.	Public Works Department, 601 East Main Street, Johnson City, TN 37601.	*http://www.msc.fema.gov/lomc*	Sep. 29, 2016	480582
Washington	Unincorporated areas of Washington County (16–04–1191P).	The Honorable Dan Eldridge, Mayor, Washington County, 100 East Main Street, Jonesborough, TN 37659.	Washington County Zoning Department, 100 East Main Street, Jonesborough, TN 37659.	*http://www.msc.fema.gov/lomc*	Sep. 29, 2016	470265
Texas:						
Collin	City of Frisco (16–06–0556P).	The Honorable Maher Maso, Mayor, City of Frisco, 6101 Frisco Square Boulevard, Frisco, TX 75034.	Engineering Services Department, 6101 Frisco Square Boulevard, Frisco, TX 75034.	*http://www.msc.fema.gov/lomc*	Sep. 19, 2016	480134
Collin	City of McKinney (16–06–0082P).	The Honorable Brian Loughmiller, Mayor, City of McKinney, P.O. Box 517, McKinney, TX 75070.	Engineering Department, 221 North Tennessee Street, McKinney, TX 75069.	*http://www.msc.fema.gov/lomc*	Oct. 3, 2016	480135
Collin	City of McKinney (16–06–0593P).	The Honorable Brian Loughmiller, Mayor, City of McKinney, P.O. Box 517, McKinney, TX 75070.	Engineering Department, 221 North Tennessee Street, McKinney, TX 75069.	*http://www.msc.fema.gov/lomc*	Sep. 12, 2016	480135

State and county	Location and case No.	Chief executive officer of community	Community map repository	Online location of letter of map revision	Effective date of modification	Community No.
Dallas	City of Coppell (16–06–0213P).	The Honorable Karen Hunt, Mayor, City of Coppell, P.O. Box 9478, Coppell, TX 75019.	Engineering Department, 265 Parkway Boulevard, Coppell, TX 75019.	*http://www.msc.fema.gov/lomc*	Oct. 3, 2016	480170
Ellis	City of Waxahachie (15–06–1366P).	The Honorable Kevin Strength, Mayor, City of Waxahachie, 401 South Rogers Street, Waxahachie, TX 75165.	City Hall, 401 South Rogers Street, Waxahachie, TX 75165.	*http://www.msc.fema.gov/lomc*	Sep. 14, 2016	480211
Fort Bend	City of Sugar Land (15–06–1008P).	The Honorable James A. Thompson, Mayor, City of Sugar Land, P.O. Box 110, Sugar Land, TX 77487.	City Hall, 2700 Town Center, Boulevard North, Sugar Land, TX 77479.	*http://www.msc.fema.gov/lomc*	Sep. 13, 2016	480234
Fort Bend	Unincorporated areas of Fort Bend County (15–06–1008P).	The Honorable Robert Hebert, Fort Bend County Judge, 401 Jackson Street, Richmond, TX 77469.	Fort Bend County Engineering Department, 401 Jackson Street, Richmond, TX 77469.	*http://www.msc.fema.gov/lomc*	Sep. 13, 2016	480228
Fort Bend	Unincorporated areas of Fort Bend County (16–06–0935P).	The Honorable Robert Hebert, Fort Bend County Judge, 401 Jackson Street, Richmond, TX 77469.	Fort Bend County Engineering Department, 401 Jackson Street, Richmond, TX 77469.	*http://www.msc.fema.gov/lomc*	Sep. 30, 2016	480228
Montgomery	Unincorporated areas of Montgomery County (15–06–4246P).	The Honorable Craig B. Doyal, Montgomery County Judge, 501 North Thompson Street, Suite 401, Conroe, TX 77301.	Montgomery County Permitting Department, 501 North Thompson Street, Suite 100, Conroe, TX 77301.	*http://www.msc.fema.gov/lomc*	Sep. 14, 2016	480483
Waller	Unincorporated areas of Waller County (16–06–0935P).	The Honorable Carbett “Trey” Duhon III, Waller County Judge, 836 Austin Street, Suite 203, Hempstead, TX 77445.	Waller County Annex Building, 775 Business Highway, 290 East Hempstead, TX 77445.	*http://www.msc.fema.gov/lomc*	Sep. 30, 2016	480640
Williamson	City of Georgetown (14–06–4362P).	The Honorable Dale Ross, Mayor, City of Georgetown, 113 East 8th Street, Georgetown, TX 78626.	Building Official’s Office, 300 Industrial Avenue, Georgetown, TX 78626.	*http://www.msc.fema.gov/lomc*	Sep. 15, 2016	480668
Williamson	Unincorporated areas of Williamson County (14–06–4362P).	The Honorable Dan A. Gattis, Williamson County Judge, 710 South Main Street, Georgetown, TX 78626.	Williamson County Road and Bridge Division, 3151 Southeast Inner Loop, Suite B, Georgetown, TX 78626.	*http://www.msc.fema.gov/lomc*	Sep. 15, 2016	481079
Virginia:						
Prince William	City of Manassas Park (16–03–0885P).	The Honorable Frank Jones, Mayor, City of Manassas Park, 1 Park Center Court, Manassas Park, VA 20111.	Department of Public Works, 331 Manassas Drive, Manassas Park, VA 20111.	*http://www.msc.fema.gov/lomc*	Sep. 15, 2016	510123
Prince William	Unincorporated areas of Prince William. County (16–03–0885P).	Mr. Christopher E. Martino, Acting Prince William County Executive, 1 County Complex Court, Prince William, VA 22192.	Prince William County Department of Public Works, 5 County Complex Court, Prince William, VA 22192.	*http://www.msc.fema.gov/lomc*	Sep. 15, 2016	510119

[FR Doc. 2016–18971 Filed 8–9–16; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2016–0002; Internal Agency Docket No. FEMA–B–1642]

Proposed Flood Hazard Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: Comments are requested on proposed flood hazard determinations, which may include additions or modifications of any Base Flood Elevation (BFE), base flood depth, Special Flood Hazard Area (SFHA) boundary or zone designation, or regulatory floodway on the Flood Insurance Rate Maps (FIRMs), and where applicable, in the supporting Flood Insurance Study (FIS) reports for the communities listed in the table below. The purpose of this notice is to seek general information and comment regarding the preliminary FIRM, and where applicable, the FIS report that the Federal Emergency Management Agency (FEMA) has provided to the affected communities. The FIRM and FIS report are the basis of the floodplain management measures that the community is required either to adopt or to show evidence of having in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP). In addition, the FIRM and FIS report, once effective, will be used by insurance agents and others to calculate appropriate flood insurance premium rates for new buildings and the contents of those buildings.

DATES: Comments are to be submitted on or before November 8, 2016.

ADDRESSES: The Preliminary FIRM, and where applicable, the FIS report for each community are available for inspection at both the online location and the respective Community Map Repository address listed in the tables below. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at *www.msc.fema.gov* for comparison.

You may submit comments, identified by Docket No. FEMA–B–1642, to Rick Sacbibit, Chief, Engineering Services Branch, Federal Insurance and Mitigation Administration, FEMA, 400 C Street SW., Washington, DC 20472, (202) 646–7659, or (email) *patrick.sacbibit@fema.dhs.gov.*

FOR FURTHER INFORMATION CONTACT: Rick Sacbibit, Chief, Engineering Services Branch, Federal Insurance and Mitigation Administration, FEMA, 400 C Street SW., Washington, DC 20472, (202) 646–7659, or (email) *patrick.sacbibit@fema.dhs.gov;* or visit the FEMA Map Information eXchange (FMIX) online at *www.floodmaps.fema.gov/fhm/fmx_main.html.*

SUPPLEMENTARY INFORMATION: FEMA proposes to make flood hazard determinations for each community listed below, in accordance with section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR 67.4(a).

These proposed flood hazard determinations, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own or pursuant to policies established by other Federal, State, or regional entities. These flood hazard determinations are used to meet the floodplain management requirements of the NFIP and also are used to calculate the appropriate flood insurance premium rates for new buildings built after the FIRM and FIS report become effective.

The communities affected by the flood hazard determinations are provided in the tables below. Any request for reconsideration of the revised flood hazard information shown on the Preliminary FIRM and FIS report that satisfies the data requirements outlined in 44 CFR 67.6(b) is considered an appeal. Comments unrelated to the flood hazard determinations also will be considered before the FIRM and FIS report become effective.

Use of a Scientific Resolution Panel (SRP) is available to communities in support of the appeal resolution process. SRPs are independent panels of experts in hydrology, hydraulics, and other pertinent sciences established to review conflicting scientific and technical data and provide recommendations for resolution. Use of the SRP only may be exercised after FEMA and local communities have been engaged in a collaborative consultation process for at least 60 days without a mutually acceptable resolution of an appeal. Additional information regarding the SRP process can be found online at *http://floodsrp.org/pdfs/srp_fact_sheet.pdf.*

The watersheds and/or communities affected are listed in the tables below. The Preliminary FIRM, and where applicable, FIS report for each community are available for inspection at both the online location and the respective Community Map Repository address listed in the tables. For communities with multiple ongoing Preliminary studies, the studies can be identified by the unique project number and Preliminary FIRM date listed in the tables. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at *www.msc.fema.gov* for comparison.

(Catalog of Federal Domestic Assistance No. 97.022, "Flood Insurance.")

Dated: August 2, 2016.

Roy E. Wright,

Deputy Associate Administrator for Insurance and Mitigation, Department of Homeland Security, Federal Emergency Management Agency.

I. Watershed-based studies:

Community	Community map repository address
Lower Sabine Watershed	
Maps Available for Inspection Online at: *http://www.fema.gov/preliminaryfloodhazarddata*	
Calcasieu Parish, Louisiana and Incorporated Areas	
Unincorporated Areas of Calcasieu Parish	Planning and Development Department, 901 Lakeshore Drive, Lake Charles, LA 70601.

II. Non-watershed-based studies:

Community	Community map repository address
Camden County, Georgia and Incorporated Areas	
Maps Available for Inspection Online at: *http://www.fema.gov/preliminaryfloodhazarddata*	
Project: 12–04–0913S Preliminary Date: December 15, 2015	
City of Kingsland	City Hall, 107 South Lee Street, Kingsland, GA 31548.
City of St. Marys	Community Development Department, 418 Osborne Street, St. Marys, GA 31558.
City of Woodbine	City Hall, 310 Bedell Avenue, Woodbine, GA 31569.
Unincorporated Areas of Camden County	Camden County Planning and Development Department, 107 Gross Road, Suite 3, Kingsland, GA 31548.

Community	Community map repository address
Effingham County, Georgia and Incorporated Areas	
Maps Available for Inspection Online at: *http://www.fema.gov/preliminaryfloodhazarddata*	
Project: 12–04–0917S Preliminary Date: November 16, 2015	
City of Rincon	City Hall, Building and Zoning Department, 302 South Columbia Avenue, Rincon, GA 31326.
Unincorporated Areas of Effingham County	Effingham County Courthouse, GIS Department, 901 North Pine Street, Suite 206, Springfield, GA 31329.
Glynn County, Georgia and Incorporated Areas	
Maps Available for Inspection Online at: *http://www.fema.gov/preliminaryfloodhazarddata*	
Project: 12–04–0916S Preliminary Date: December 11, 2015	
City of Brunswick	City Hall, 601 Gloucester Street, Brunswick, GA 31520.
Jekyll Island State Park Authority	Fire and EMS Department, 200 Stable Road, Jekyll Island, GA 31527.
Unincorporated Areas of Glynn County	Glynn County Offices, Harold Pate Building, 1725 Reynolds Street, 2nd Floor, Brunswick, GA 31520.
Long County, Georgia and Incorporated Areas	
Maps Available for Inspection Online at:*http://www.fema.gov/preliminaryfloodhazarddata*	
Project: 12–04–0919S Preliminary Date: November 16, 2015	
Unincorporated Areas of Long County	Long County Code Enforcement Office, 285 South McDonald Street, Ludowici, GA 31316.
Washington County, Maine (All Jurisdictions)	
Maps Available for Inspection Online at: *http://www.fema.gov/preliminaryfloodhazarddata*	
Project: 13–01–1510S Preliminary Date: March 4, 2016	
Baring Plantation	Land Use Planning Commission, 106 Hogan Road, Suite 8, Bangor, ME 04401.
City of Calais	City Building, 11 Church Street, Calais, ME 04619.
City of Eastport	City Hall, 78 High Street, Eastport, ME 04631.
Grand Lake Stream Plantation	Land Use Planning Commission, 106 Hogan Road, Suite 8, Bangor, ME 04401.
Passamaquoddy Tribe At Pleasant Point	Passamaquoddy Tribal Office, 136 County Road, Perry, ME 04667.
Town of Addison	Town Hall, 334 Water Street, Addison, ME 04606.
Town of Alexander	Town Hall, 50 Cooper Road, Alexander, ME 04694.
Town of Baileyville	Town Office, 63 Broadway Street, Baileyville, ME 04694.
Town of Beals	Town Office, 11 Big Pond Road, Beals, ME 04611.
Town of Charlotte	Town Office, 1098 Ayers Junction Road, Charlotte, ME 04666.
Town of Cherryfield	Town Office, 12 Municipal Way, Cherryfield, ME 04622.
Town of Columbia	Town Hall, 106 Epping Road, Columbia, ME 04623.
Town of Columbia Falls	Town Office, 8 Point Street, Columbia Falls, ME 04623.
Town of Crawford	First Selectman’s Office, 359 Crawford Arm Road, Crawford, ME 04694.
Town of Cutler	Town Office, 2655 Cutler Road, Cutler, ME 04626.
Town of Danforth	Town Office, 18 Central Street, Danforth, ME 04424.
Town of Dennysville	Town Office, 2 Main Street, Dennysville, ME 04628.
Town of East Machias	Town Office, 32 Cutler Road, East Machias, ME 04630.
Town of Harrington	Town Office, 114 East Main Street, Harrington, ME 04643.
Town of Jonesboro	Town Office, 23 Station Road, Jonesboro, ME 04648.
Town of Jonesport	Town Office, 70 Snare Creek Lane, Jonesport, ME 04649.
Town of Lubec	Town Office, 40 School Street, Lubec, ME 04652.
Town of Machias	Town Office, 7 Court Street, Suite 1, Machias, ME 04654.
Town of Machiasport	Town Office, 8 Unity Square, Machiasport, ME 04655.
Town of Marshfield	Town Office, 187 Northfield Road, Marshfield, ME 04654.
Town of Milbridge	Town Office, 22 School Street, Milbridge, ME 04658.
Town of Northfield	Town Hall, 1940 Northfield Road, Northfield, ME 04654.
Town of Pembroke	Town Office, 48 Old County Road, Pembroke, ME 04666.
Town of Perry	Town Office, 898 U.S. Route 1, Perry, ME 04667.
Town of Princeton	Town Office, 15 Depot Street, Princeton, ME 04668.
Town of Robbinston	Town Office, 904 U.S. Route 1, Robbinston, ME 04671.
Town of Roque Bluffs	Town Hall, 3 Roque Bluffs Road, Roque Bluffs, ME 04654.
Town of Steuben	Town Office, 294 U.S. Route 1, Steuben, ME 04680.
Town of Talmadge	Chairperson’s Office, 47 Talmadge Road, Talmadge, ME 04492.
Town of Topsfield	Town Office, 48 North Road, Topsfield, ME 04490.

Community	Community map repository address
Town of Vanceboro	Town Office, 101 High Street, Vanceboro, ME 04491.
Town of Wesley	Town Office, 2 Whining Pines Drive, Wesley, ME 04686.
Town of Whiting	Town Office, 169 U.S. Route 1, Whiting, ME 04691.
Town of Whitneyville	Town Office, 42 South Main Street, Whitneyville, ME 04654.
Township of Brookton	Land Use Planning Commission, 106 Hogan Road, Suite 8, Bangor, ME 04401.
Township of Edmunds	Land Use Planning Commission, 106 Hogan Road, Suite 8, Bangor, ME 04401.
Township of Lambert Lake	Land Use Planning Commission, 106 Hogan Road, Suite 8, Bangor, ME 04401.
Township of Trescott	Land Use Planning Commission, 106 Hogan Road, Suite 8, Bangor, ME 04401.
Dunn County, North Dakota Unincorporated Areas	
Maps Available for Inspection Online at:*http://www.fema.gov/preliminaryfloodhazarddata*	
Project: 16–08–0347S Preliminary Date: March 10, 2016	
Unincorporated Areas of Dunn County	Dunn County Courthouse, 205 Owens Street, Manning, ND 58642.

[FR Doc. 2016–18977 Filed 8–9–16; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF THE INTERIOR

Geological Survey

[G15AC00486]

Agency Information Collection Activities: Request for Comments on the Assessment of Effects of Climate on Waterfowl

AGENCY: U.S. Geological Survey (USGS), Interior.

ACTION: Notice of a new information collection, Assessment of Effects of Climate on Waterfowl.

SUMMARY: We (the U.S. Geological Survey) are notifying the public that we have submitted to the Office of Management and Budget (OMB) the information collection request (ICR) described below. To comply with the Paperwork Reduction Act of 1995 (PRA) and as part of our continuing efforts to reduce paperwork and respondent burden, we invite the general public and other Federal agencies to take this opportunity to comment on this ICR.

DATES: To ensure that your comments on this ICR are considered, OMB must receive them on or before September 9, 2016.

ADDRESSES: Please submit written comments on this information collection directly to the Office of Management and Budget (OMB), Office of Information and Regulatory Affairs, Attention: Desk Officer for the Department of the Interior, via email: (*OIRA_SUBMISSION@omb.eop.gov*); or by fax (202) 395–5806; and identify your submission with 'OMB Control Number 1028—NEW ASSESSMENT OF EFFECTS OF CLIMATE ON WATERFOWL'. Please also forward a copy of your comments and suggestions on this information collection to the Information Collection Clearance Officer, U.S. Geological Survey, 12201 Sunrise Valley Drive MS 807, Reston, VA 20192 (mail); (703) 648–7195 (fax); or *gs-info_collections@usgs.gov* (email). Please reference 'OMB Information Collection 1028—NEW: ASSESSMENT OF EFFECTS OF CLIMATE ON WATERFOWL' in all correspondence.

FOR FURTHER INFORMATION CONTACT: Brad Griffith, Leader, USGS, Alaska Cooperative Fish and Wildlife Research Unit at (907) 474–5067 or *ffdbg@usgs.gov.*

You may also find information about this ICR at *www.reginfo.gov.*

SUPPLEMENTARY INFORMATION:

I. Abstract

The USGS National Climate Change and Wildlife Science Center coordinates the research activities of 8 Regional Climate Science Centers. To increase efficiency of investigations, the relevance of research topics and the effectiveness of research it is critical to identify the types of information that are most critical for the development of a focused and integrated multi-regional research program. This is particularly true for wildlife species that migrate (*e.g.,* waterfowl) among regions in which the direction and strength of climate effects on wildlife populations and their habitats are expected to be quite variable. This collection seeks to identify (1) the most important habitat and harvest factors that affect waterfowl population size on breeding, migratory and winter ranges, (2) the demographic traits (fecundity or survival) that are affected by these factors, (3) the likely direction and magnitude of climate effects on the most important waterfowl habitat and harvest factors that affect waterfowl population size and (4) the highest priority research needs on breeding, migratory and wintering ranges. We are collecting this information with a questionnaire survey of a sample of professional waterfowl researchers and managers because scientific papers that present this information are not available. The information we collect will identify the most important research topics within and among Regional Climate Science Centers in regard to climate effects on migratory waterfowl. We will (1) summarize the results, (2) present them at a workshop at a national scientific meeting, (3) use this presentation to facilitate further discussion among professional waterfowl researchers and managers who attend the workshop regarding research priorities and (4) publish the results of the survey and the workshop discussion in a refereed scientific publication.

II. Data

OMB Control Number: 1028–NEW.

Title: ASSESSMENT OF EFFECTS OF CLIMATE ON WATERFOWL.

Type of Request: Approval of new information collection.

Respondent Obligation: Voluntary.

Frequency of Collection: One time.

Description of Respondents: Professional waterfowl researchers and managers that are employed by State or Federal government agencies or Private organizations such as Ducks Unlimited.

Estimated Total Number of Annual Responses: 250; Private 125, State and Local Govt. 125.

Estimated Time per Response: We estimate that it will take 20 minutes per person to complete the questionnaire for a single waterfowl species and that approximately half of the respondents will take an additional 10 minutes to complete the survey for a second species.

Estimated Annual Burden Hours: 106 hours.

Estimated Reporting and Recordkeeping "Non-Hour Cost" Burden: There are no "non-hour cost" burdens associated with this collection of information.

Public Disclosure Statement: The PRA (44 U.S.C. 3501, *et seq.*) provides that an agency may not conduct or sponsor and you are not required to respond to a collection of information unless it displays a currently valid OMB control number. Until the OMB approves a collection of information, you are not obliged to respond.

Comments: On 10/30/2015, we published a **Federal Register** notice (80 FR 66931) announcing that we would submit this ICR to OMB for approval and soliciting comments. The comment period closed on 12/29/2015. USGS received one public comment regarding the general hardship of birdlife and a statement that no information needed to be collected because the information was already collected by every state. This latter statement was not correct as we found when we queried five professional waterfowl biologists asking whether any similar surveys to ours were being, or had been, conducted and all said they knew of none and that our survey work would be useful.

III. Request for Comments

We again invite comments concerning this ICR as to: (a) Whether the proposed collection of information is necessary for the agency to perform its duties, including whether the information is useful; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) how to enhance the quality, usefulness, and clarity of the information to be collected; and (d) how to minimize the burden on the respondents, including the use of automated collection techniques or other forms of information technology.

Please note that comments submitted in response to this notice are a matter of public record. Before including your personal mailing address, phone number, email address, or other personally identifiable information in your comment, you should be aware that your entire comment, including your personally identifiable information, may be made publicly available at any time. While you can ask us and the OMB in your comment to withhold your personal identifying information from public review, we cannot guarantee that it will be done.

Legal Authority: Migratory Bird Treaty Act of 1918 (MBTA), codified at 16 U.S.C. 703–712.

John Thompson,

Deputy Chief, U.S. Geological Survey, Cooperative Research Units.

[FR Doc. 2016–18928 Filed 8–9–16; 8:45 am]

BILLING CODE 4338–11–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLCAD06000.L51010000. ER0000.15X LVRWB15B5410]

Notice of Availability of the Final Environmental Impact Statement for the West of Devers Upgrade Project, Riverside and San Bernardino Counties, CA

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Availability.

SUMMARY: In accordance with the National Environmental Policy Act of 1969, as amended, the Bureau of Land Management (BLM) has prepared a Final Environmental Impact Statement (EIS) for the West of Devers Upgrade Project and by this notice is announcing its availability.

DATES: The BLM will not issue a final decision on the proposal for a minimum of 30 days after the date that the Environmental Protection Agency publishes its Notice of Availability in the **Federal Register**.

ADDRESSES: Copies of the Final EIS for the Project are available for public inspection at the BLM Palm Springs-South Coast Field Office, 1201 Bird Center Drive, Palm Springs, CA 92262, and to the BLM California Desert District Office, 22835 Calle San Juan De Los Lagos, Moreno Valley, CA 92553. Interested persons may also review the Final EIS on the Internet at *http://www.blm.gov/ca/st/en/fo/palmsprings/transmission/WestOfDeversProject.html.*

FOR FURTHER INFORMATION CONTACT: Frank McMenimen, Project Manager, telephone 760–833–7150; address 1201 Bird Center Drive, Palm Springs, CA 92262; email *fmcmenimen@blm.gov* or *blm_ca_west_of_devers@blm.gov.* Persons who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 to contact the above individual during normal business hours. The FIRS is available 24 hours a day, 7 days a week, to leave a message or question with the above individual. You will receive a reply during normal business hours.

SUPPLEMENTARY INFORMATION: Southern California Edison (SCE) proposes to upgrade and adjust the routes of the following existing 220 kV transmission lines within SCE's existing West of Devers right-of-way corridor in incorporated and unincorporated areas of Riverside and San Bernardino counties: Devers-El Casco, El Casco-San Bernardino, Devers-San Bernardino, Devers-Vista No. 1 and No. 2, Etiwanda-San Bernardino, and San Bernardino-Vista.

Of the overall 48-mile length of the transmission corridor, about 6 miles would cross Trust Lands (Reservation) of the Morongo Band of Mission Indians, and about 1 mile is on BLM-administered public lands. The BLM lands are located east of the City of Banning and west of the City of Desert Hot Springs in Riverside County, California. In addition to the transmission line improvements, substation equipment at Devers, El Casco, Etiwanda, San Bernardino, Timoteo and Tennessee and Vista Substations would be upgraded to accommodate the project changes to transmission and subtransmission systems. Construction of the Project would facilitate the full deliverability of new renewable energy generation resources now being developed in eastern Riverside County, including the BLM's Riverside East Solar Energy Zone, into the Los Angeles area.

As a result, the Project would facilitate progress towards meeting California's Renewable Portfolio Standard goals, which now require utilities to produce 50 percent of their electricity sales from renewable energy sources by 2030, as well as President Obama's Climate Action Plan, which directs the Department of the Interior to approve at least 20,000 megawatts of renewable energy capacity on public lands by 2020. Utility-scale solar energy development in eastern Riverside County plays an important role in meeting California's renewable energy goals, allowing for immediate and sizeable deployment, driving costs down and taking advantage of the State's best renewable energy resources. Additionally, these upgrades are required to comply with transmission reliability standards and will support integration of small scale electricity generation.

In addition to the Proposed Action, the Final EIS considers three project alternatives and a No Action Alternative, as well as connected actions enabled by the project. The first alternative, the Tower Relocation Alternative, moves some proposed towers away from residences. The second alternative, the Iowa Street 66 kV Underground Alternative, would place a small portion of the subtransmission line underground. The third alternative, the Phased Build Alternative, would retain some of the existing towers, use a different conductor type, and have smaller capacity than the proposed Project.

The Final EIS evaluates the potential impacts of the project and alternatives on air quality, biological resources, cultural resources, water resources, geological resources and hazards, land use, noise, paleontological resources, public health, socioeconomics, soils, traffic and transportation, visual resources, wilderness characteristics, and other resources. Mitigation measures are included to conserve priority habitat in the region, including requirements to restore, compensate, and minimize native vegetation and habitat loss; not allow for a net loss for jurisdictional waters and wetlands; and ensure compliance with two regional Multiple Species Habitat Conservation Plans.

In accordance with Department of the Interior regulations (43 CFR 46.425), the BLM identified a preferred alternative in the Final EIS based on feedback on the Draft Joint Environmental Impact Report (EIR)/EIS from the public and cooperating agencies. The BLM preferred alternative is the Proposed Action with incorporation of the Tower Relocation Alternative and the Iowa Street 66 kV Underground Alternative.

The BLM will prepare a Record of Decision (ROD) for the proposed project after a 30-day period following publication of the NOA.

Comments on the Draft Joint EIR/EIS received from the public and internal BLM review were considered and incorporated as appropriate into the Final EIS. Public comments resulted in the addition of clarifying text, but did not significantly change the analysis or conclusions presented in the Draft EIR/EIS.

Authority: 40 CFR 1506.6, 40 CFR 1506.10.

Thomas Pogacnik,

Deputy State Director.

[FR Doc. 2016–18992 Filed 8–9–16; 8:45 am]

BILLING CODE 4310–40–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NRNHL–21559; PPWOCRADI0, PCU00RP14.R50000]

National Register of Historic Places; Notification of Pending Nominations and Related Actions

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The National Park Service is soliciting comments on the significance of properties nominated before July 16, 2016, for listing or related actions in the National Register of Historic Places.

DATES: Comments should be submitted by August 25, 2016.

ADDRESSES: Comments may be sent via U.S. Postal Service to the National Register of Historic Places, National Park Service, 1849 C St. NW., MS 2280, Washington, DC 20240; by all other carriers, National Register of Historic Places, National Park Service, 1201 Eye St. NW., 8th floor, Washington, DC 20005; or by fax, 202–371–6447.

SUPPLEMENTARY INFORMATION: The properties listed in this notice are being considered for listing or related actions in the National Register of Historic Places. Nominations for their consideration were received by the National Park Service before July 16, 2016. Pursuant to section 60.13 of 36 CFR part 60, written comments are being accepted concerning the significance of the nominated properties under the National Register criteria for evaluation.

Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

MASSACHUSETTS

Bristol County

Rhodes, M.M. and Sons Co., 12 Porter St., Taunton, 16000570

PENNSYLVANIA

Bucks County

Perkasie Park Camp Meeting, 200 S. 9th St., Perkasie, 16000571

Philadelphia County

Progress Lighting Manufacturing Company, 1401–1409 Germantown Ave., Philadelphia, 16000572

Pike County

Paupack School, 545 PA 507, Palmyra Township, 16000573

TEXAS

Harris County

Southwestern Bell Capitol Main Office, 1121 Capitol St. & 1114 Texas Ave., Houston, 16000574

WISCONSIN

Rock County

Haven—Crandall House, 220 S. Janesville St., Milton, 16000575

Authority: 60.13 of 36 CFR part 60.

Dated: July 18, 2016.

J. Paul Loether,

Chief, National Register of Historic Places/National Historic Landmarks Program.

[FR Doc. 2016–18930 Filed 8–9–16; 8:45 am]

BILLING CODE 4312–51–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–PPFL–LRD–21603; PS.SPPFL0070.00.1.]

Proposed Information Collection; National Park Service Relocation Assistance and Real Property Acquisition Program

AGENCY: National Park Service, Interior.

ACTION: Notice; request for comments.

SUMMARY: We (National Park Service, NPS) will ask the Office of Management and Budget (OMB) to approve the information collection (IC) described below. To comply with the Paperwork Reduction Act of 1995 and as a part of our continuing efforts to reduce paperwork and respondent burden, we invite the general public and other Federal agencies to comment on this IC. We may not conduct or sponsor and a person is not required to respond to a collection unless it displays a currently valid OMB control number.

DATES: Please submit your comment on or before October 11, 2016.

ADDRESSES: Please send your comments on the ICR to Madonna L. Baucum, Information Collection Clearance Officer, National Park Service, 12201 Sunrise Valley Drive, Mail Stop 242, Reston, VA 20192 (mail); or *madonna_baucum@nps.gov* (email). Please reference "1024–New LRD" in the subject line.

FOR FURTHER INFORMATION CONTACT: Joe Cook, Realty Specialist, National Park Service, Land Resources Division, 1201 I Street NW., Washington, DC 20005; *joe_cook@nps.gov* (email); or (202) 513–7029 (phone).

SUPPLEMENTARY INFORMATION:

I. Abstract

The National Park Service Organic Act, 54 U.S.C. 100101(a) *et seq.*), requires that the NPS preserve national parks for the enjoyment, education, and inspiration of this and future generations. A number of NPS units contain privately held lands. In order to preclude incompatible development, protect resources and provide for visitor use and enjoyment, it is sometimes necessary for the NPS to seek to acquire certain private lands or interests therein. The NPS also cooperates with states, local governments, nonprofit organizations and property owners to provide other forms of protection.

As required by the provisions of Public Law 91–646, the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, NPS provides relocation assistance benefits to all eligible parties displaced by an agency acquisition. The purpose of the Act is to provide for uniform and equitable treatment of persons displaced from their homes, businesses, or farms and to establish uniform and equitable land acquisition policies associated with for Federal and federally assisted programs.

The NPS procedures for acquisition of land or interests therein and for the relocation of occupants are governed by the Act. The NPS proposes to verify eligibility for reimbursement of certain expenses incurred by a property owner incidental to the conveyance of real property to the United States, and to quantify the amount of reimbursement payments through the implementation of proposed Form 10–840.

NPS Form 10–840, "Claim for Reimbursement of Expenses Incidental to Conveyance of Real Property"

The information collected via proposed Form 10–840 includes:

- Contact information, to include name, telephone number, Social Security Number or Taxpayer Identification Number, email address, and complete mailing address;
- Location of property acquired by the agency; and,
- Incidental expenses, to include recording and transfer fees, penalty costs, and allowable taxes paid.

Appeals Process

The appeals procedure is contained in 49 Code of Federal Regulations, part 24.10. The NPS' decision on submitted claims will be final unless, within 60 days of the date of mailing of the decision, a written notice of appeal is mailed to: Director, Office of Hearings and Appeals, Department of the Interior, Washington, DC 20240. The notice of appeal should contain information to identify the action or decision appealed and should give a brief but complete statement of the facts relied upon and the relief desired. A copy of the notice of appeal and any accompanying statements of the reasons for it should be mailed to the official who made the decision.

II. Data

OMB Control Number: 1024–New.

Title: National Park Service Relocation Assistance and Real Property Acquisition Program.

Form(s): NPS Form 10–840, "Claim for Reimbursement of Expenses Incidental to Conveyance of Real Property".

Type of Request: Existing collection in use without approval.

Description of Respondents: Private individuals; businesses; educational institutions; nonprofit organizations; state, local, and tribal governments.

Respondent's Obligation: Required to obtain or retain benefits.

Frequency of Collection: On occasion.

Activity	Estimated total annual responses	Estimated average completion time (hours)	Estimated total annual burden hours
Form 830 (Individuals)	170	.5	85
Form 830 (Businesses)	30	.5	15
Form 830 (State, local, tribal governments)	1	.5	.5
Appeals (Individuals)	5	2	10
Appeals (Businesses)	2	12	24
Appeals (State, local, tribal governments)	1	12	12
Totals	209		146.5

Estimated Annual Reporting and Recordkeeping "Non-Hour Cost": None.

III. Comments

We invite comments concerning this IC on:

- Whether or not the collection of information is necessary, including whether or not the information will have practical utility;
- The accuracy of our estimate of the burden for this collection of information;
- Ways to enhance the quality, utility, and clarity of the information to be collected; and
- Ways to minimize the burden of the collection of information on respondents.

Please note that the comments submitted in response to this notice are a matter of public record. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment, including your personal identifying information, may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Dated: August 4, 2016.

Madonna L. Baucum,

Information Collection Clearance Officer, National Park Service.

[FR Doc. 2016–18959 Filed 8–9–16; 8:45 am]

BILLING CODE 4310–EH–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NRNHL–21612; PPWOCRADI0, PCU00RP14.R50000]

National Register of Historic Places; Notification of Pending Nominations and Related Actions

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The National Park Service is soliciting comments on the significance of properties nominated before July 23, 2016, for listing or related actions in the National Register of Historic Places.

DATES: Comments should be submitted by August 25, 2016.

ADDRESSES: Comments may be sent via U.S. Postal Service to the National Register of Historic Places, National Park Service, 1849 C St. NW., MS 2280, Washington, DC 20240; by all other carriers, National Register of Historic Places, National Park Service, 1201 Eye St. NW., 8th floor, Washington, DC 20005; or by fax, 202–371–6447.

SUPPLEMENTARY INFORMATION: The properties listed in this notice are being considered for listing or related actions in the National Register of Historic Places. Nominations for their consideration were received by the National Park Service before July 23, 2016. Pursuant to section 60.13 of 36 CFR part 60, written comments are being accepted concerning the significance of the nominated properties under the National Register criteria for evaluation.

Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

ILLINOIS

Cook County

Congress Theater, 2117–2139 N. Milwaukee Ave., Chicago, 16000579

Lemont Downtown Historic District, Roughly bounded by Main, Stephen, Illinois, River and Front Sts., Lemont, 16000582

Overton, Anthony, Elementary School, 221 E. 49th St., Chicago, 16000578

Kendall County

Bristol Congregational Church, 107 W. Center St., Yorkville, 16000580

IOWA

Scott County

First Federal Savings and Loan Association Building, 131 W. Third Street, Davenport, 16000577

MICHIGAN

Ottawa County

Grand Haven Historic District, Washington Ave., adjacent Sts., Harbor Dr. through 600 blks., Grand Haven, 16000584

Grand Trunk Western Railroad Grand Haven Coal Tipple, 300 Block of N. Harbor Dr. in Chinook Pier Park, Grand Haven, 16000583

MISSOURI

St. Louis County

Curtiss—Wright Aeroplane Factory, 130 Banshee Rd., Hazelwood, 16000586

St. Louis Independent city

Locust Street Automotive District, Boundary Increase II, 2722–2900 Locust St., 2727–2801 Locust St., St. Louis (Independent City), 16000581

NEW MEXICO

Santa Fe County

Santa Fe National Cemetery, 501 N. Guadalupe St., Santa Fe, 16000588

NEW YORK

Delaware County

Second Walton Army (Thirty-third Separate Company), 139 Stockton Ave., Walton, 16000591

Erie County

Buffalo Public School #63 (PS 63), 91 Lisbon Ave., Buffalo, 16000587

Depew High School, 591 Terrace Blvd., Depew, 16000593

St. Teresa's Roman Catholic Church Complex, 1970 Seneca St., 17 Mineral Springs Rd., Buffalo, 16000589

Niagara County

Ascension Roman Catholic Church Complex, 168 and 172 Robinson St., 61, 69 and 91 Keil St., North Tonawanda, 16000592

Tompkins County

Dennis—Newton House, 421 N. Albany St., Ithaca, 16000590

NORTH CAROLINA

Alamance County

May Hosiery Mills Knitting Mill, 612 S. Main St., Burlington, 16000585

OHIO

Cuyahoga County

Cleveland Public Carnegie Library Hough Branch, 1765 Crawford Rd., Cleveland, 16000603

Commodore Hotel, The, (Apartment Buildings in Ohio Urban Centers, 1870–1970 MPS) 11990 Ford Dr., 11309–11325 Euclid Ave., Cleveland, 16000594

Franklin County

Engine House No. 6, 540 W. Broad St., Columbus, 16000595

Hamilton County

Neppert, Joseph and Cecilia, House, 1550 Neeb Rd., Cincinnati, 16000596

Rauh, Frederick and Harriet, House, 10068 Leacrest Rd., Woodlawn, 16000597

Portage County

Gross, L.N., Company Building, 315 Gougler Ave., Kent, 16000598

Stark County

City Savings Bank & Trust Company, 449 E. Main St., Alliance, 16000602

OREGON

Multnomah County

Vancouver Avenue First Baptist Church, 3138 N. Vancouver Ave., Portland, 16000604

In the interest of preservation, a three day comment period has been requested for the following resources:

CALIFORNIA

Fresno County

Muir, John, Memorial Shelter, CA 180, Grant Grove Village in Kings Canyon National Park, Grant Cove, 16000576

OHIO

Cuyahoga County

NASA Lewis Research Center—Development Engineering Building & Annex, 21000 Brookpark Rd., Fairview, 16000599

Grossman Paper Box Company, 1729 Superior Ave., Cleveland, 16000601

Wood County

Ford, Edward, Plate Glass Company Employee Relations Building, 140 Dixie Highway, Rossford, 16000600

Authority: 60.13 of 36 CFR part 60

Dated: July 27, 2016.

J. Paul Loether,

Chief, National Register of Historic Places/ National Historic Landmarks Program.

[FR Doc. 2016–18929 Filed 8–9–16; 8:45 am]

BILLING CODE 4312–51–P

DEPARTMENT OF THE INTERIOR

Bureau of Safety and Environmental Enforcement

[Docket ID BSEE–2016–0002; OMB Control Number 1014–0002; 16XE1700DX EEEE500000 EX1SF0000.DAQ000]

Information Collection Activities: Oil and Gas Production Measurement, Surface Commingling, and Security; Submitted for Office of Management and Budget (OMB) Review; Comment Request

ACTION: 30-Day notice.

SUMMARY: To comply with the Paperwork Reduction Act of 1995 (PRA), the Bureau of Safety and Environmental Enforcement (BSEE) is notifying the public that we have submitted to OMB an information collection request (ICR) to renew approval of the paperwork requirements in the regulations under Subpart L, *Oil and Gas Production Measurement, Surface Commingling, and Security.* This notice also provides the public a second opportunity to comment on the

revised paperwork burden of these regulatory requirements.

DATE: You must submit comments by September 9, 2016.

ADDRESSES: Submit comments by either fax (202) 395–5806 or email (*OIRA_Submission@omb.eop.gov*) directly to the Office of Information and Regulatory Affairs, OMB, Attention: Desk Officer for the Department of the Interior (1014–0002). Please provide a copy of your comments to BSEE by any of the means below.

- Electronically go to *http://www.regulations.gov*. In the Search box, enter BSEE–2016–0002 then click search. Follow the instructions to submit public comments and view all related materials. We will post all comments.
- Email *kye.mason@bsee.gov,* fax (703) 787–1093, or mail or hand-carry comments to the Department of the Interior; Bureau of Safety and Environmental Enforcement; Regulations and Standards Branch; ATTN: Nicole Mason; 45600 Woodland Road, Sterling, VA 20166. Please reference ICR 1014–0002 in your comment and include your name and return address.

FOR FURTHER INFORMATION CONTACT: Nicole Mason, Regulations and Standards Branch, (703) 787–1607, to request additional information about this ICR. To see a copy of the entire ICR submitted to OMB, go to *http://www.reginfo.gov* (select Information Collection Review, Currently Under Review).

SUPPLEMENTARY INFORMATION:

Title: 30 CFR 250, Subpart L, *Oil and Gas Production Measurement, Surface Commingling, and Security.*

Form(s): There are no forms associated with this information collection.

OMB Control Number: 1014–0002.

Abstract: The Outer Continental Shelf (OCS) Lands Act at 43 U.S.C. 1334 authorizes the Secretary of the Interior to prescribe rules and regulations necessary for the administration of the leasing provisions of that Act related to mineral resources on the OCS. Such rules and regulations will apply to all operations conducted under a lease, right-of-way, or a right-of-use and easement. Operations on the OCS must preserve, protect, and develop oil and natural gas resources in a manner that is consistent with the need to make such resources available to meet the Nation's energy needs as rapidly as possible; to balance orderly energy resource development with protection of human, marine, and coastal environments; to ensure the public a fair and equitable return on the resources of the OCS; and to preserve and maintain free enterprise competition.

In addition to the general authority of OCSLA at 43 U.S.C. 1334, section 301(a) of the Federal Oil and Gas Royalty Management Act (FOGRMA), 30 U.S.C. 1751(a), grants authority to the Secretary to prescribe such rules and regulations as are reasonably necessary to carry out FOGRMA's provisions. While the majority of FOGRMA is directed to royalty collection and enforcement, some provisions apply to offshore operations. For example, section 108 of FOGRMA, 30 U.S.C. 1718, grants the Secretary broad authority to inspect lease sites for the purpose of determining whether there is compliance with the mineral leasing laws. Section 109(c)(2) and (d)(1), 30 U.S.C. 1719(c)(2) and (d)(1), impose substantial civil penalties for failure to permit lawful inspections and for knowing or willful preparation or submission of false, inaccurate, or misleading reports, records, or other information. Because the Secretary has delegated some of the authority under FOGRMA to BSEE, 30 U.S.C. 1751 is included as additional authority for these requirements.

The Independent Offices Appropriations Act (31 U.S.C. 9701), the Omnibus Appropriations Bill (Pub. L. 104–133, 110 Stat. 1321, April 26, 1996), and OMB Circular A–25, authorize Federal agencies to recover the full cost of services that confer special benefits. Under the Department of the Interior's (DOI) implementing policy, BSEE is required to charge fees for services that provide special benefits or privileges to an identifiable non-Federal recipient above and beyond those which accrue to the public at large. Applications for surface commingling and measurement are subject to cost recovery and BSEE regulations specify service fees for these requests.

These authorities and responsibilities are among those delegated to BSEE. The regulations at 30 CFR 250, subpart L, Oil and Gas Production Measurement, Surface Commingling, and Security, are the subject of this collection. This request also covers the related Notices to Lessees and Operators (NTLs) that BSEE issues to clarify, supplement, or provide additional guidance on some aspects of our regulations.

Some responses are mandatory and some are required to obtain or retain a benefit. No questions of a sensitive nature are asked. BSEE will protect proprietary information according to the Freedom of Information Act (5 U.S.C. 552) and DOI's implementing regulations (43 CFR 2); 30 CFR 250.197, *Data and information to be made available to the public or for limited inspection;* and 30 CFR part 252, *OCS Oil and Gas Information Program.*

BSEE uses the information collected under subpart L to ensure that the volumes of hydrocarbons produced are measured accurately, and royalties are paid on the proper volumes. Specifically, BSEE needs the information to:

- Determine if measurement equipment is properly installed, provides accurate measurement of production on which royalty is due, and is operating properly;
- Obtain rates of production measured at royalty meters, which can be examined during field inspections;
- Ascertain if all removals of oil and condensate from the lease are reported;
- Ensure that the sales location is secure and production cannot be removed without the volumes being recorded;
- Review proving reports to verify that data on run tickets are calculated and reported accurately;
- Review gas volume statements and compare them with the Oil and Gas Operations Reports to verify accuracy.

Frequency: On occasion and monthly.

Description of Respondents: Potential respondents comprise OCS Federal oil, gas, or sulphur lessees and/or operators and holders of pipeline rights-of-way.

Estimated Reporting and Recordkeeping Hour Burden: The estimated annual hour burden for this information collection is a total of 39,905 hours. The following chart details the individual components and estimated hour burdens. In calculating the burdens, we assumed that respondents perform certain requirements in the normal course of their activities. We consider these to be usual and customary and took that into account in estimating the burden.

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BURDEN BREAKDOWN

Citation 30 CFR 250 Subpart L	Reporting or Recordkeeping Requirement+	Hour Burden	Average No. of Annual Responses	Annual Burden Hours (rounded)
		Non-Hour Cost Burdens		
Liquid Hydrocarbon Measurement				
202(a)(1), (b)(1); 1203(b)(1); 1204(a)(1)	Submit application for liquid hydrocarbon or gas measurement procedures or changes; or for commingling of production or changes.	Simple: 9	37 Simple Applications	333
		$1,371 simple fee x 37 applications = $50,727		
		Complex: 35	67 Complex Applications	2,345
		$4,056 complex fee x 67 applications = $271,752		
No fee	Submit meter status and other notifications.	2	295 notifications	590
1202(a)(4)	Copy & send pipeline (retrograde) condensate volumes upon request.	2	2 volumes	4
1202(c)(1), (2); 1202(e)(4); 1202(h)(1), (2), (3), (4); 1202(i)(1)(iv), (2)(iii); 1202(j)	Record observed data, correction factors & net standard volume on royalty meter and tank run tickets. Record master meter calibration runs. Record mechanical-displacement prover, master meter, or tank prover proof runs. Record liquid hydrocarbon royalty meter malfunction and repair or adjustment on proving report; record unregistered production on run ticket. List Cpl and Ctl factors on run tickets.	Respondents record these items as part of normal business records & practices to verify accuracy of production measured for sale purposes.		0
1202(c)(4)*	Copy & send each liquid hydrocarbon run ticket monthly.	31 minutes	17,978 tickets	9,289
1202(d)(1); (d)(4); (k)(9); 1204(b)(1)	Permit BSEE to witness testing; request approval for proving on a schedule other than monthly; request approval for well testing on a schedule other than every 60 days.	2.5	744 proving requests	1,860
		2.5	21 well test requests	53
1202(d)(5)*	Copy & submit each liquid hydrocarbon royalty meter proving report monthly & request waiver as needed.	27 minutes	6,822 reports	3,070
1202(f)(2)*	Copy & submit each mechanical-displacement prover & tank prover calibration report.	27 minutes	67 reports	30
1202(i)(2)*	Copy & submit each royalty tank calibration chart before using for royalty measurement.	70 minutes	4 charts	5
1202(i)(3)*	Copy & submit each inventory tank calibration chart upon request; retain charts for as long as tanks are in use.	82 minutes 35 minutes	2 charts 13 charts	3 8

Citation 30 CFR 250 Subpart L	**Reporting or Recordkeeping Requirement+**	**Hour Burden**	**Average No. of Annual Responses**	**Annual Burden Hours (rounded)**
		Non-Hour Cost Burdens		
Gas Measurement				
1203(b)(6), (8), (9)*	Copy & submit each gas quality and volume statement monthly or as requested.	40 minutes	6,275 Statements	4,183
1203(c)(1)	Request approval for gas calibration on a schedule other than monthly.	1	520 requests	520
1203(c)(4)*; (c)(5)	Copy & submit gas meter calibration reports upon request; retain for 2 years; permit BSEE to witness calibrations.	20 minutes 10 minutes	10 reports 17,448 reports	3 2,908
1203(e)(1)*	Copy & submit gas processing plant records upon request.	45 minutes	1 record.	1
1203(f)(5)	Copy & submit measuring records of gas lost or used on lease upon request.	1	3 records	3
Surface Commingling				
1204(a)(2)	Provide state production volumetric and/or fractional analysis data upon request.	10	1 report	10
1205(a)(2)	Post signs at royalty or inventory tank used in royalty determination process.	2	30 signs	60
1205(a)(4)	Report security problems (telephone).	20 minutes	2 calls	1
Miscellaneous and Recordkeeping				
1202(e)(6)	Retain master meter calibration reports for 2 years.	20 minutes	168 reports	56
1202(k)(5)	Retain liquid hydrocarbon allocation meter proving reports for 2 years.	17 minutes	9,864 reports	2,795
1203(f)(4)	Document & retain measurement records on gas lost or used on lease for 2 years at field location and minimum 7 years at location of respondent's choice.	18 minutes	9,829	2,949
1204(b)(3)	Retain well test data for 2 years.	17 minutes	23,868	6,763
1205(b)(3), (4)	Retain seal records for 2 years; make records available for BSEE inspection.	15 minutes	8,250	2,063
		Total Burden	**102,361 responses**	**39,905 hours**
			$322,479 Non-Hour Cost Burdens	

+ In the future, BSEE will be allowing the option of electronic reporting for certain requirements.
*Respondents gather this information as part of their normal business practices. BSEE only requires copies of readily available documents. There is no burden for testing, meter reading, etc.

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Estimated Reporting and Recordkeeping Non-Hour Cost Burden: We estimate that the non-hour cost burden for this information collection is

$322,479. These cost burdens are for filing fees associated with submitting requests for approval of:

- Simple applications (applications to temporarily reroute production for a duration not to exceed 6 months; production tests prior to pipeline construction; departures related to meter proving, well testing, or sampling frequency ($1,371 per application)).
- complex applications (creation of new facility measurement points (FMPs); association of leases or units with existing FMPs; inclusion of production from additional structures; meter updates which add buyback gas meters or pigging meters; other applications which request deviations from the approved allocation procedures ($4,056 per application)).

Public Disclosure Statement: The PRA (44 U.S.C. 3501, *et seq.*) provides that an agency may not conduct or sponsor a collection of information unless it displays a currently valid OMB control number. Until OMB approves a collection of information, you are not obligated to respond.

Comments: Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3501, *et seq.*) requires each agency ". . . to provide notice . . . and otherwise consult with members of the public and affected agencies concerning each proposed collection of information . . ." Agencies must specifically solicit comments to: (a) Evaluate whether the collection is necessary or useful; (b) evaluate the accuracy of the burden of the proposed collection of information; (c) enhance the quality, usefulness, and clarity of the information to be collected; and (d) minimize the burden on the respondents, including the use of technology.

To comply with the public consultation process, on March 7, 2016, we published a **Federal Register** notice (81 FR 11834) announcing that we would submit this ICR to OMB for approval. The notice provided the required 60-day comment period. In addition, § 250.199 provides the OMB Control Number for the information collection requirements imposed by the 30 CFR 250, Subpart L regulations. The regulation also informs the public that they may comment at any time on the collections of information and provides the address to which they should send comments. We received no comments in response to the **Federal Register** notice.

Public Availability of Comments: Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Information Collection Clearance Officer: Nicole Mason, 703–787–1607.

Dated:August 4, 2016.

Robert W. Middleton,

Deputy Chief, Office of Offshore Regulatory Programs.

[FR Doc. 2016–18953 Filed 8–9–16; 8:45 am]

BILLING CODE 4310–VH–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–947]

Certain Light-Emitting Diode Products and Components Thereof; Notice of Request for Statements on the Public Interest

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the presiding administrative law judge ("ALJ") has issued a Final Initial Determination and Recommended Determination on Remedy and Bonding in the above-captioned investigation. The Commission is soliciting comments on public interest issues raised by the recommended relief should the Commission find a violation of section 337, as amended, 19 U.S.C. 1337. The ALJ recommended a limited exclusion order directed against certain infringing light-emitting diode products and components thereof imported by Respondents Feit Electric Company, Inc. of Pico Rivera, California ("Feit USA"); Feit Electric Company, Inc. of Xiamen, China; Unity Opto Technology Co., Ltd. of New Taipei City, Taiwan; and Unity Microelectronics, Inc. of Plano, Texas; and a cease and desist order directed against Feit USA. This notice is soliciting public interest comments from the public only. Parties are to file public interest submissions pursuant to 19 CFR 210.50(a)(4).

FOR FURTHER INFORMATION CONTACT: Cathy Chen, Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436, telephone (202) 205–2392. The public version of the complaint can be accessed on the Commission's electronic docket (EDIS) at *http://edis.usitc.gov,* and will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436, telephone (202) 205–2000. General information concerning the Commission may also be obtained by accessing its Internet server (*http://www.usitc.gov*). The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at *http://edis.usitc.gov.* Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810.

SUPPLEMENTARY INFORMATION: Section 337 of the Tariff Act of 1930 provides that if the Commission finds a violation it shall exclude the articles concerned from the United States:

> unless, after considering the effect of such exclusion upon the public health and welfare, competitive conditions in the United States economy, the production of like or directly competitive articles in the United States, and United States consumers, it finds that such articles should not be excluded from entry.

19 U.S.C. 1337(d)(1). A similar provision applies to cease and desist orders. 19 U.S.C. 1337(f)(1).

The Commission is interested in further development of the record on the public interest in its investigations. Accordingly, members of the public are invited to file submissions of no more than five (5) pages, inclusive of attachments, concerning the public interest in light of the administrative law judge's Recommended Determination on Remedy and Bonding issued in this investigation on July 29, 2016. Comments should address whether issuance of an exclusion order and/or cease and desist orders in this investigation would affect the public health and welfare in the United States, competitive conditions in the United States economy, the production of like or directly competitive articles in the United States, or United States consumers.

In particular, the Commission is interested in comments that:

(i) Explain how the articles potentially subject to the recommended orders are used in the United States;

(ii) identify any public health, safety, or welfare concerns in the United States relating to the recommended orders;

(iii) indicate the extent to which like or directly competitive articles are produced in the United States or are otherwise available in the United States, with respect to the articles potentially subject to the recommended orders;

(iv) indicate whether complainant, complainant's licensees, and/or third party suppliers have the capacity to replace the volume of articles potentially subject to the recommended orders within a commercially reasonable time; and

(v) explain how the recommended orders would impact consumers in the United States.

Written submissions must be filed no later than by close of business on September 6, 2016.

Persons filing written submissions must file the original document electronically on or before the deadlines stated above and submit 8 true paper copies to the Office of the Secretary by noon the next day pursuant to Commission Rule 210.4(f), 19 CFR 210.4(f). Submissions should refer to the investigation number ("Inv. No. 947") in a prominent place on the cover page and/or the first page. (*See* Handbook for Electronic Filing Procedures, *http://www.usitc.gov/secretary/fed_reg_notices/rules/handbook_on_electronic_filing.pdf*). Persons with questions regarding filing should contact the Secretary, (202) 205–2000.

Any person desiring to submit a document to the Commission in confidence must request confidential treatment. All such requests should be directed to the Secretary to the Commission and must include a full statement of the reasons why the Commission should grant such treatment. *See* 19 CFR 201.6. Documents for which confidential treatment by the Commission is properly sought will be treated accordingly. All information, including confidential business information and documents for which confidential treatment is properly sought, submitted to the Commission for purposes of this Investigation may be disclosed to and used: (i) By the Commission, its employees and Offices, and contract personnel (a) for developing or maintaining the records of this or a related proceeding, or (b) in internal investigations, audits, reviews, and evaluations relating to the programs, personnel, and operations of the Commission including under 5 U.S.C. Appendix 3; or (ii) by U.S. government employees and contract personnel, solely for cybersecurity purposes. All contract personnel will sign appropriate nondisclosure agreements. All non-confidential written submissions will be available for public inspection at the Office of the Secretary and on EDIS.

This action is taken under the authority of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and part 210 of the Commission's Rules of Practice and Procedure (19 CFR part 210).

By order of the Commission.

Issued: August 4, 2016.

Lisa R. Barton,

Secretary to the Commission.

[FR Doc. 2016–18904 Filed 8–9–16; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. DEA–392]

Importer of Controlled Substances Registration

ACTION: Notice of registration.

SUMMARY: Registrants listed below have applied for and been granted registration by-the Drug Enforcement Administration (DEA) as importers of various classes of schedule I or II controlled substances.

SUPPLEMENTARY INFORMATION: The companies listed below applied to be registered as an importer of various basic classes of controlled substances. Information on previously published notices is listed in the table below. No comments or objections were submitted and no requests for hearing were submitted for these notices.

Company	FR Docket	Published
Mylan Pharmaceuticals, Inc.	80 FR 75691	December 3, 2015.
Hospira	81 FR 1208	January 11, 2016.
Cambrex Charles City	81 FR 14892	March 18, 2016.
Pharmacore	81 FR 15565	March 23, 2016.
Mallinckrodt LLC	81 FR 15566	March 23, 2016.
Meda Pharmaceuticals, Inc.	81 FR 15560	March 23, 2016.
Stepan Company	81 FR 20417	April 7, 2016

The DEA has considered the factors in 21 U.S.C. 823, 952(a) and 958(a) and determined that the registration of the listed registrants to import the applicable basic classes of schedule I or II controlled substances is consistent with the public interest and with United States obligations under international treaties, conventions, or protocols in effect on May 1, 1971. The DEA investigated each company's maintenance of effective controls against diversion by inspecting and testing each company's physical security systems, verifying each company's compliance with state and local laws, and reviewing each company's background and history.

Therefore, pursuant to 21 U.S.C. 952(a) and 958(a), and in accordance with 21 CFR 1301.34, the DEA has granted a registration as an importer for schedule I or II controlled substances to the above listed persons.

Dated: August 2, 2016.

Louis J. Milione,

Deputy Assistant Administrator.

[FR Doc. 2016–18922 Filed 8–9–16; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. DEA–392]

Bulk Manufacturer of Controlled Substances Registration

ACTION: Notice of registration.

SUMMARY: Registrants listed below have applied for and been granted registration by-the Drug Enforcement Administration (DEA) as bulk manufacturers of various classes of controlled substances.

SUPPLEMENTARY INFORMATION: The companies listed below applied to be registered as manufacturers of various basic classes of controlled substances. Information on previously published notices is listed in the table below. No comments or objections were submitted for these notices.

Company	FR Docket	Published
Noramco, Inc.	81 FR 7587	February 12, 2016.
Cayman Chemical Company	81 FR 9217	February 24, 2016.
Janssen Pharmaceutical, Inc.	81 FR 9219	February 24, 2016.
Insys Therapeutics, Inc.	81 FR 9220	February 24, 2016.
Siemens Healthcare Diagnostics, Inc.	81 FR 15565	March 23, 2016.
Siegfried USA, LLC	81 FR 15567	March 23, 2016.
Patheon Pharmaceuticals, Inc.	81 FR 15571	March 23, 2016.
Navinta, LLC	81 FR 20418	April 7, 2016.
Patheon API Manufacturing, Inc.	81 FR 22122	April 14, 2016.

The DEA has considered the factors in 21 U.S.C. 823(a) and determined that the registration of these registrants to manufacture the applicable basic classes of controlled substances is consistent with the public interest and with United States obligations under international treaties, conventions, or protocols in effect on May 1, 1971. The DEA investigated each of the company's maintenance of effective controls against diversion by inspecting and testing each company's physical security systems, verifying each company's compliance with state and local laws, and reviewing each company's background and history.

Therefore, pursuant to 21 U.S.C. 823(a), and in accordance with 21 CFR 1301.33, the DEA has granted a registration as a bulk manufacturer to the above listed persons.

Dated: August 2, 2016.

Louis J. Milione,

Deputy Assistant Administrator.

[FR Doc. 2016–18921 Filed 8–9–16; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

Notice of Lodging Proposed Consent Decree

In accordance with Departmental Policy, 28 CFR 50.7, notice is hereby given that a proposed Consent Decree in *Dan Eoff* v. *United States Environmental Protection Agency,* Civil Action No. 4:13–cv–00368–DPM, was lodged with the United States District Court for the Eastern District of Arkansas, Western Division, on August 4, 2016.

This proposed Consent Decree concerns a complaint filed by Plaintiff and Counterclaim Defendant Dan Eoff against the United States Environmental Protection Agency, and an answer and counterclaim filed by the United States, on behalf of the United States Environmental Protection Agency, against Dan Eoff pursuant to Section 301(a) of the Clean Water Act, to obtain injunctive relief from and impose civil penalties against the Plaintiff and Counterclaim Defendant for violating the Clean Water Act by discharging pollutants without a permit into waters of the United States. The proposed Consent Decree resolves these allegations by requiring Mr. Eoff to restore the impacted areas, perform mitigation and pay a civil penalty.

The Department of Justice will accept written comments relating to this proposed Consent Decree for thirty (30) days from the date of publication of this Notice. Please address comments to Lisa Bell, Trial Attorney and John E. Sullivan, Trial Attorney for the United States Department of Justice, Environment and Natural Resources Division, Environmental Defense Section, Post Office Box 7611, Washington, DC 20044 and refer to *Dan Eoff* v. *United States Environmental Protection Agency,* DJ # 90–5–1–4–19920.

The proposed Consent Decree may be examined at the Clerk's Office, United States District Court for the Eastern District of Arkansas, Western Division, 600 West Capitol Avenue, Suite A149, Little Rock, AR 72201. In addition, the proposed Consent Decree may be examined electronically at *http://www.justice.gov/enrd/consent-decrees.*

Cherie L. Rogers,

Assistant Section Chief, Environmental Defense Section, Environment and Natural Resources Division.

[FR Doc. 2016–18933 Filed 8–9–16; 8:45 am]

BILLING CODE 4410–15–P

DEPARTMENT OF JUSTICE

Notice of Lodging of Proposed Consent Decree Under the Clean Water Act

On August 4, 2016, the Department of Justice lodged a proposed Consent Decree with the United States District Court for the Western District of Pennsylvania in the lawsuit entitled *United States and the Pennsylvania Department of Environmental Protection* v. *CONSOL Energy Inc., et al.,* Civil Action No. 2:16–CV–01178.

The proposed Consent Decree will resolve Clean Water Act and associated state claims alleged in this action by the United States and the Pennsylvania Department of Environmental Protection Against CONSOL Energy Inc., CNX Coal Resources LP, and Consol Pennsylvania Coal Company LLC for the discharge of pollutants from the Bailey Mine Complex in Greene and Washington Counties, Pennsylvania, into state waters and waters of the United States in violation of limits in National Pollutant Discharge Elimination System ("NPDES") permits. Under the proposed Consent Decree, Defendants will perform injunctive relief including implementing water management measures to prevent contaminated discharge, conducting long-term monitoring to ensure sufficient storage capacity to prevent future discharges, developing contingency plans should future discharges become likely, and implementing an environmental management system to ensure compliance with the Clean Water Act and other applicable environmental laws. In addition, Defendants will pay a total civil penalty of $3 million in three installments, with the last payment on January 15, 2018.

The publication of this notice opens a period for public comment on the Consent Decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and should refer to *United States and the Pennsylvania Department of Environmental Protection* v. *CONSOL Energy Inc. et al.,* D.J. Ref. No. 90–5–1–1–10614. All comments must be submitted no later than thirty (30) days after the publication date of this notice. Comments may be submitted either by email or by mail:

To submit comments:	*Send them to:*
By email	*pubcomment-ees.enrd@usdoj.gov.*
By mail	Assistant Attorney General, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044–7611.

During the public comment period, the Consent Decree may be examined and downloaded at this Justice Department Web site: *https://www.justice.gov/enrd/consent-decrees.* We will provide a paper copy of the Consent Decree upon written request and payment of reproduction costs. Please mail your request and payment to: Consent Decree Library, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044–7611.

Please enclose a check or money order for $15.25 (25 cents per page reproduction cost) payable to the United States Treasury.

Jeffrey Sands,

Assistant Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 2016–18931 Filed 8–9–16; 8:45 am]

BILLING CODE 4410–15–P

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50–482; NRC–2016–0162]

Wolf Creek Generating Station; Use of Optimized ZIRLO™ Fuel Rod Cladding Material

AGENCY: Nuclear Regulatory Commission.

ACTION: Exemption; issuance.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is issuing an exemption in response to a January 27, 2016, request, as supplemented on May 19, 2016, from Wolf Creek Nuclear Operating Corporation (WCNOC or the licensee) in order to use Optimized ZIRLO™ fuel rod cladding material at Wolf Creek Generating Station (WCGS).

DATES: The exemption was issued on August 2, 2016.

ADDRESSES: Please refer to Docket ID NRC–2016–0162 when contacting the NRC about the availability of information regarding this document. You may obtain publicly-available information related to this document using any of the following methods:

- *Federal Rulemaking Web site:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2016–0162. Address questions about NRC dockets to Carol Gallagher; telephone: 301–415–3463; email: *Carol.Gallagher@nrc.gov.* For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly-available documents online in the ADAMS Public Documents collection at *http://www.nrc.gov/reading-rm/adams.html.* To begin the search, select "*ADAMS Public Documents*" and then select "*Begin Web-based ADAMS Search.*" For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov.* The ADAMS accession number for each document referenced in this document (if that document is available in ADAMS) is provided the first time that a document is referenced.
- *NRC's PDR:* You may examine and purchase copies of public documents at the NRC's PDR, Room O1–F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

FOR FURTHER INFORMATION CONTACT: Carl F. Lyon, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–2296, email: *Fred.Lyon@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

The licensee is the holder of Renewed Facility Operating License No. NPF–42, which authorizes operation of WCGS. The license provides, among other things, that the facility is subject to all rules, regulations, and orders of the NRC now or hereafter in effect. The facility consists of a pressurized-water reactor located in Coffey County, Kansas.

II. Request/Action

Pursuant to § 50.12 of title 10 of the *Code of Federal Regulations* (10 CFR), "Specific exemptions," the licensee requested by letter dated January 27, 2016, as supplemented by letter dated May 19, 2016 (ADAMS Accession Nos. ML16033A470 and ML16161A509, respectively), an exemption from specific requirements of 10 CFR 50.46, "Acceptance criteria for emergency core cooling systems [ECCS] for light-water nuclear power reactors," and 10 CFR part 50, appendix K, "ECCS Evaluation Models," to allow the use of fuel rod cladding with Optimized ZIRLO™ alloy for future reload applications. The regulations in 10 CFR 50.46 contain acceptance criteria for the ECCS for reactors fueled with zircaloy or ZIRLO™ fuel rod cladding material. In addition, 10 CFR part 50, appendix K, requires that the Baker-Just equation be used to predict the rates of energy release, hydrogen concentration, and cladding oxidation from the metal/water reaction. The Baker-Just equation assumes the use of a zirconium alloy, which is a material different from Optimized ZIRLO™. The licensee requested the exemption because these regulations do not have provisions for the use of fuel rod cladding material other than zircaloy or ZIRLO™. Because the material specifications of Optimized ZIRLO™ differ from the specifications for zircaloy or ZIRLO™, a plant-specific exemption is required to support the reload applications for WCGS.

The exemption request relates solely to the cladding material specified in these regulations (*i.e.,* fuel rods with Zircaloy or ZIRLO™ cladding material). This exemption would provide for the application of the acceptance criteria of 10 CFR 50.46 and 10 CFR part 50, appendix K, to fuel assembly designs using Optimized ZIRLO™ fuel rod cladding material. In its letter dated January 27, 2016, as supplemented by letter dated May 19, 2016, the licensee indicated that it was not seeking an exemption from the acceptance and analytical criteria of these regulations. The intent of the request is to allow the use of the criteria set forth in these regulations for application of the Optimized ZIRLO™ fuel rod cladding material.

III. Discussion

Pursuant to 10 CFR 50.12, the Commission may, upon application by any interested person or upon its own initiative, grant exemptions from the requirements of 10 CFR part 50 when: (1) The exemptions are authorized by law, will not present an undue risk to public health or safety, and are consistent with the common defense and security; and (2) when special circumstances are present. Under 10 CFR 50.12(a)(2), special circumstances include, among other things, when application of the specific regulation in the particular circumstance would not serve, or is not necessary to achieve, the underlying purpose of the rule.

A. Special Circumstances

Special circumstances, in accordance with 10 CFR 50.12(a)(2)(ii), are present whenever application of the regulation in the particular circumstances is not necessary to achieve the underlying purpose of the rule. The underlying purpose of 10 CFR 50.46 and 10 CFR part 50, appendix K, is to establish acceptance criteria for ECCS performance. The regulations in 10 CFR 50.46 and 10 CFR part 50, appendix K, are not directly applicable to Optimized ZIRLO™, even though the evaluations described in the following sections of this exemption show that the intent of the regulation is met. Therefore, since the underlying purposes of 10 CFR 50.46 and 10 CFR part 50, appendix K, are achieved through the use of Optimized ZIRLO™ fuel rod cladding material, the special circumstances required by 10 CFR 50.12(a)(2)(ii) for the granting of an exemption exist.

B. Authorized by Law

This exemption would allow the use of Optimized ZIRLO™ fuel rod cladding material for future reload applications at WCGS. As stated above, 10 CFR 50.12 allows the NRC to grant exemptions from the requirements of 10 CFR part 50. The NRC staff has determined that granting the licensee's proposed exemption would not result in a violation of the Atomic Energy Act of 1954, as amended, or the Commission's regulations. Therefore, the exemption is authorized by law.

C. No Undue Risk to Public Health and Safety

Section 50.46 requires that each boiling or pressurized light-water nuclear power reactor fueled with uranium oxide pellets within cylindrical zircaloy or ZIRLO™ cladding must be provided with an ECCS that must be designed so that its calculated cooling performance following postulated loss-of-coolant accidents (LOCAs) conforms to the criteria set forth in 10 CFR 50.46(b). The underlying purpose of 10 CFR 50.46 is to establish acceptance criteria for adequate ECCS performance. As previously documented in the NRC staff's safety evaluation dated June 10, 2005 (ADAMS Package Accession No. ML051670395), of topical reports submitted by Westinghouse Electric Company (Westinghouse), and subject to compliance with the specific conditions of approval established in the safety evaluation, the NRC staff found that Westinghouse demonstrated the applicability of these ECCS acceptance criteria to Optimized ZIRLO™. The NRC staff found that the Westinghouse topical report demonstrates the applicability of these ECCS acceptance criteria to Optimized ZIRLO™, subject to the compliance with the specific conditions of approval established therein. The NRC staff reviewed the licensee's January 27, 2016, application, as supplemented by letter dated May 9, 2016, against these specific conditions and found that the licensee was in compliance with all of the applicable conditions. The NRC staff's review of these specific conditions for WCGS can be found in ADAMS under Accession No. ML16179A293. Ring compression tests performed by Westinghouse on Optimized ZIRLO™ (see WCAP–14342–A & CENPD–404–NP–A, dated July 2006 (ADAMS Accession No. ML062080569), demonstrate an acceptable retention of post-quench ductility up to 10 CFR 50.46 limits of 2200 degrees Fahrenheit and 17 percent equivalent clad reacted. Furthermore, the NRC staff concluded that oxidation measurements provided by the licensee by letter LTR–NRC–07–58 from Westinghouse to the NRC, "SER Compliance with WCAP–12610–P–A & CENPD–404–P–A, Addendum 1–A, 'Optimized ZIRLO™,' " dated November 6, 2007 (public version in ADAMS under Accession No. ML073130560), illustrate that oxide thickness and associated hydrogen pickup for Optimized ZIRLO™ at any given burnup would be less than both zircaloy-4 and ZIRLO™. Hence, the NRC staff concludes that Optimized ZIRLO™ would be expected to maintain better post-quench ductility than ZIRLO™. This finding is further supported by an ongoing LOCA research program at Argonne National Laboratory, which has identified a strong correlation between cladding hydrogen content (caused by in-service corrosion) and post-quench ductility.

In addition, the provisions of 10 CFR 50.46 require the licensee to periodically evaluate the performance of the ECCS, using currently approved LOCA models and methods, to ensure that the fuel rods will continue to satisfy the 10 CFR 50.46 acceptance criteria. In its letter dated January 27, 2016, the licensee stated that for LOCA scenarios, where the slight difference in Optimized ZIRLO™ material properties relative to standard ZIRLO™ could have some impact on the overall accident scenario, plant-specific LOCA analyses using Optimized ZIRLO™ properties will demonstrate that the acceptance criteria of 10 CFR 50.46 have been satisfied. Granting the exemption to allow the licensee to use Optimized ZIRLO™ fuel rod cladding material in addition to the current mix of fuel rods does not diminish this requirement of periodic evaluation of ECCS performance. Therefore, the underlying purpose of the rule will continue to be achieved for WCGS.

Paragraph I.A.5 of 10 CFR part 50, appendix K, states that the rates of energy release, hydrogen concentration, and cladding oxidation from the metal-water reaction shall be calculated using the Baker-Just equation. Since the Baker-Just equation presumes the use of zircaloy clad fuel, strict application of this provision of the rule would not permit use of the equation for the Optimized ZIRLO™ fuel rod cladding material for determining acceptable fuel performance. However, the NRC staff previously found that metal-water reaction tests performed by Westinghouse on Optimized ZIRLO™ (see Appendix B of WCAP–12610–P–A & CENPD–404–P–A Addendum 1–A) demonstrate conservative reaction rates relative to the Baker-Just equation. Therefore, the NRC staff determined that the application of Paragraph I.A.5 of 10 CFR part 50, appendix K, is not necessary to achieve the underlying purpose of the rule in these circumstances. Since these evaluations demonstrate that the underlying purpose of the rule will be met, there will be no undue risk to the public health and safety.

D. Consistent With the Common Defense and Security

The licensee's exemption request is only to allow the application of the aforementioned regulations to an improved fuel rod cladding material. In its letter dated January 27, 2016, as supplemented by letter dated May 19, 2016, the licensee stated that all the requirements and acceptance criteria will be maintained. The licensee is required to handle and control special nuclear material in these assemblies in accordance with its approved procedures. This change to the plant configuration is not related to security issues. Therefore, the NRC staff determined that this exemption does not impact common defense and security.

E. Environmental Considerations

The NRC staff determined that the exemption discussed herein meets the eligibility criteria for the categorical exclusion set forth in 10 CFR 51.22(c)(9) because it is related to a requirement concerning the installation or use of a facility component located within the restricted area, as defined in 10 CFR part 20, and the granting of this exemption involves: (i) No significant hazards consideration, (ii) no significant change in the types or a significant increase in the amounts of any effluents that may be released offsite, and (iii) no significant increase in individual or cumulative occupational radiation exposure. Therefore, in accordance with 10 CFR 51.22(b), no environmental impact statement or environmental assessment need be prepared in connection with the NRC's consideration of this exemption request. The basis for the NRC staff's determination is discussed as follows with an evaluation against each of the requirements in 10 CFR 51.22(c)(9).

Requirements in 10 CFR 51.22(c)(9)(i)

The NRC staff evaluated the issue of no significant hazards consideration, using the standards described in 10 CFR 50.92(c), as presented below:

1. Does the proposed exemption involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No. The proposed change would allow the use of Optimized ZIRLO™ fuel rod cladding material in the reactors. The NRC approved topical report WCAP–12610–P–A & CENPD–404–P–A Addendum 1–A, "Optimized ZIRLO™," prepared by Westinghouse, addresses Optimized ZIRLO™ and demonstrates that Optimized ZIRLO™ has essentially the same properties as the currently licensed ZIRLO™. The fuel cladding itself is not an accident initiator and does not affect accident probability. Use of Optimized ZIRLO™ fuel rod cladding material will continue to meet all 10 CFR 50.46 acceptance criteria and, therefore, will not increase the consequences of an accident.

Therefore, the proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed exemption create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No. The use of Optimized ZIRLO™ fuel rod cladding material will not result in changes in the operation or configuration of the facility. Topical Report WCAP–12610–P–A & CENPD–404–P–A demonstrated that the material properties of Optimized ZIRLO™ are similar to those of standard ZIRLO™. Therefore, the Optimized ZIRLO™ fuel rod cladding material will perform similarly to those fabricated from standard ZIRLO™, therefore precluding the possibility of the fuel cladding becoming an accident initiator and causing a new or different type of accident.

Therefore, the proposed change does not create the possibility of a new or different kind of accident from any previously evaluated.

3. Does the proposed exemption involve a significant reduction in a margin of safety?

Response: No. The proposed change will not involve a significant reduction in the margin of safety, because it has been demonstrated that the material properties of the Optimized ZIRLO™ are not significantly different from those of standard ZIRLO™. Optimized ZIRLO™ is expected to perform similarly to standard ZIRLO™ for all normal operating and accident scenarios, including both LOCA and non-LOCA scenarios. For LOCA scenarios, where the slight difference in the Optimized ZIRLO™ material properties, relative to standard ZIRLO™ could have some impact on the overall accident scenario, plant-specific LOCA analyses using the Optimized ZIRLO™ properties demonstrate that the acceptance criteria of 10 CFR 50.46 have been satisfied.

Therefore, the proposed change does not involve a significant reduction in a margin of safety.

Based on the above, the NRC staff concludes that the proposed exemption presents no significant hazards consideration under the standards set forth in 10 CFR 50.92(c), and, accordingly, a finding of no significant hazards consideration is justified (*i.e.,* satisfies the provision of 10 CFR 51.22(c)(9)(i)).

Requirements in 10 CFR 51.22(c)(9)(ii)

The proposed exemption would allow the use of Optimized ZIRLO™ fuel rod cladding material in the reactors. Optimized ZIRLO™ has essentially the same properties as the currently licensed ZIRLO™. The use of the Optimized ZIRLO™ fuel rod cladding material will not significantly change the types of effluents that may be released offsite, or significantly increase the amount of effluents that may be released offsite. Therefore, the provision of 10 CFR 51.22(c)(9)(ii) is satisfied.

Requirements in 10 CFR 51.22(c)(9)(iii)

The proposed exemption would allow the use of the Optimized ZIRLO™ fuel rod cladding material in the reactors. Optimized ZIRLO™ has essentially the same properties as the currently licensed ZIRLO™. The use of the Optimized ZIRLO™ fuel rod cladding material will not significantly increase individual occupational radiation exposure, or significantly increase cumulative occupational radiation exposure. Therefore, the provision of 10 CFR 51.22(c)(9)(iii) is satisfied.

Conclusion

Based on the above, the NRC staff concludes that the proposed exemption meets the eligibility criteria for the categorical exclusion set forth in 10 CFR 51.22(c)(9). Therefore, in accordance with 10 CFR 51.22(b), no environmental impact statement or environmental assessment need be prepared in connection with the NRC's proposed issuance of this exemption.

IV. Conclusions

Accordingly, the Commission has determined that, pursuant to 10 CFR 50.12, the exemption is authorized by law, will not present an undue risk to the public health and safety, and is consistent with the common defense and security. Also, special circumstances are present. Therefore, the Commission hereby grants WCNOC an exemption from the requirements of 10 CFR 50.46 and 10 CFR part 50, appendix K, to allow the use of Optimized ZIRLO™ fuel rod cladding material at WCGS. As stated above, this exemption relates solely to the cladding material specified in these regulations.

Dated at Rockville, Maryland, this 2nd day of August 2016.

For the Nuclear Regulatory Commission.

Anne T. Boland,

Director, Division of Operating Reactor Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 2016–18979 Filed 8–9–16; 8:45 am]

BILLING CODE 7590–01–P

OFFICE OF PERSONNEL MANAGEMENT

Excepted Service

AGENCY: U.S. Office of Personnel Management (OPM).

ACTION: Notice.

SUMMARY: This notice identifies Schedule A, B, and C appointing authorities applicable to a single agency that were established or revoked from May 1, 2016 to May 31, 2016.

FOR FURTHER INFORMATION CONTACT: Senior Executive Resources Services, Senior Executive Service and Performance Management, Employee Services, (202) 606–2246.

SUPPLEMENTARY INFORMATION: In accordance with 5 CFR 213.103, Schedule A, B, and C appointing authorities available for use by all agencies are codified in the Code of Federal Regulations (CFR). Schedule A, B, and C appointing authorities applicable to a single agency are not codified in the CFR, but the Office of Personnel Management (OPM) publishes a notice of agency-specific authorities established or revoked each month in the **Federal Register** at *www.gpo.gov/fdsys/*. OPM also publishes an annual notice of the consolidated listing of all Schedule A, B, and C appointing authorities, current as of June 30, in the **Federal Register**.

Schedule A

No schedule A authorities to report during May 2016.

Schedule B

No schedule B authorities to report during May 2016.

Schedule C

The following Schedule C appointing authorities were approved during May 2016.

Agency name	Organization name	Position title	Authorization No.	Effective date
Department of Agriculture	Office of the Secretary	Special Assistant (2)	DA160122	5/12/2016
			DA160123	5/12/2016
	Office of Small and Disadvantaged Business Utilization.	Director	DA160125	5/13/2016
	Office of the Under Secretary Farm and Foreign Agricultural Service.	Deputy Chief of Staff	DA160126	5/13/2016
	Foreign Agricultural Service	Deputy Chief of Staff	DA160132	5/24/2016
	Office of Under Secretary for Natural Resources and Environment.	Chief of Staff	DA160133	5/24/2016
Department of Commerce	Office of Public Affairs	Speechwriter and Press Assistant	DC160141	5/6/2016
	Bureau of Industry and Security	Special Advisor	DC160150	5/10/2016
	Office of the Assistant Secretary for Economic Development.	Director of External Affairs	DC160151	5/10/2016
Department of Defense	Office of the Assistant Secretary of Defense (Asian and Pacific Security Affairs).	Special Assistant for East Asia	DD160137	5/10/2016
	Office of the Assistant Secretary of Defense (International Security Affairs).	Special Assistant for the Middle East.	DD160145	5/18/2016
	Office of the Secretary	Special Assistant	DD160147	5/20/2016
		Director, Travel Operations	DD160146	5/23/2016
	Office of the Assistant Secretary of Defense (Special Operations/Low Intensity Conflict and Interdependent Capabilities).	Chief of Staff for Stability and Humanitarian Affairs.	DD160148	5/25/2016
Department of the Air Force	Office of Assistant Secretary Air Force for Acquisition.	Director of Private Sector Engagement.	DF160035	5/10/2016
Department of Education	Office of Postsecondary Education	Special Assistant	DB160084	5/5/2016
	Office of the Secretary	Change Management Director	DB160086	5/12/2016
		Leadership Development Director	DB160087	5/12/2016
		Deputy Director of Scheduling and Advance.	DB160089	5/13/2016
	Office of the Under Secretary	Chief of Staff, White House Initiative on Educational Excellence for Hispanics.	DB160091	5/18/2016
		Deputy Director, White House Initiative on Asian American and Pacific Islanders.	DB160085	5/19/2016
	Office of Elementary and Secondary Education.	Confidential Assistant, Special Projects.	DB160088	5/19/2016
	Office for Civil Rights	Confidential Assistant (2)	DB160092	5/19/2016
			DB160093	5/25/2016
	Office of Communications and Outreach.	Director of Strategic Media Initiatives.	DB160094	5/25/2016
Department of Energy	Assistant Secretary for Electricity Delivery and Energy Reliability.	Senior Advisor for External Affairs	DE160112	5/5/2016
	Office of Public Affairs	Deputy Press Secretary	DE160113	5/5/2016
	Office of Energy Policy and Systems Analysis.	Senior Analyst for Energy Security	DE160116	5/10/2016
	Office of Energy Efficiency and Renewable Energy.	Deputy Chief of Staff	DE160117	5/13/2016
	Office of the Deputy Secretary	Special Advisor	DE160114	5/16/2016
Environmental Protection Agency	Office of Public Engagement and Environmental Education.	Deputy Associate Administrator for Public Engagement and Environmental Education.	EP160037	5/12/2016
Export–Import Bank	Office of the Chairman	Confidential Assistant	EB160003	5/2/2016
Federal Energy Regulatory Commission.	Office of the Chairman	Confidential Assistant	DR160002	5/31/2016
Federal Mediation and Conciliation Service.	Office of the Director	Senior Advisor	FM160002	5/3/2016
General Services Administration	Office of the Administrator	Deputy Chief of Staff	GS160025	5/16/2016
Department of Health and Human Services.	Office of the Deputy Secretary	Special Assistant	DH160120	5/23/2016
	Office of the Assistant Secretary for Children and Families.	Special Assistant	DH160136	5/25/2016
	Office of the Assistant Secretary for Public Affairs.	Deputy Assistant Secretary	DH160122	5/5/2016
	Office of the Secretary	Deputy Scheduler	DH160135	5/24/2016
		Special Advisor	DH160138	5/24/2016
Department of Homeland Security	Office of the Chief of Staff	Director of Trips of Advance (2)	DM160238	5/3/2016
			DM160242	5/5/2016
	Office of the Secretary	Senior Counselor	DM160250	5/25/2016

Agency name	Organization name	Position title	Authorization No.	Effective date
	Office of the Under Secretary for National Protection and Programs Directorate.	Confidential Assistant	DM160243	5/5/2016
	Office of the General Counsel	Special Assistant	DM160244	5/5/2016
	United States Customs and Border Protection.	Special Assistant	DM160254	5/24/2016
	United States Citizenship and Immigration Services.	Advisor	DM160255	5/24/2016
	Office of the Assistant Secretary for Policy.	Special Assistant, Office of Policy	DM160248	5/25/2016
Department of Housing and Urban Development.	Office of the Deputy Secretary	Special Assistant (2)	DU160031	5/6/2016
			DU160036	5/23/2016
	Office of Housing	Advisor for Single Family Asset Management.	DU160333	5/10/2016
	Office of the Secretary	Senior Policy Advisor	DU160032	5/23/2016
Department of the Interior	Office of Assistant Secretary—Land and Minerals Management.	Counselor	DI160067	5/16/2016
Department of Justice	Office on Violence Against Women	Confidential Assistant	DJ160091	5/6/2016
	Office of Legal Policy	Senior Policy Advisor	DJ160109	5/20/2016
	Office of Public Affairs	Deputy Director	DJ160103	5/23/2016
		Press Secretary and Senior Advisor.	DJ160111	5/27/2016
	Civil Rights Division	Special Assistant	DJ160110	5/24/2016
Department of Labor	Office of Workers Compensation Programs.	Chief of Staff	DL160086	5/13/2016
	Office of Congressional and Intergovernmental Affairs.	Chief of Staff	DL160090	5/13/2016
	Employment and Training Administration.	Policy Advisor	DL160089	5/13/2016
	Office of the Secretary	Special Assistant	DL160092	5/16/2016
Office of Management and Budget	Office of Information and Regulatory Affairs.	Counselor	BO160037	5/5/2016
		Confidential Assistant	BO160036	5/10/2016
Office of Personnel Management	Office of the Director	Project Manager	PM160027	5/25/2016
Office of Science and Technology Policy.	Office of Science and Technology Policy.	Confidential Assistant	TS160005	5/12/2016
Small Business Administration	Office of Communications and Public Liaison.	Assistant Administrator for Public Engagement.	SB160028	5/13/2016
	Office of Government Contracting and Business Development.	Special Advisor	SB160029	5/13/2016
Department of State	Office of the Chief of Protocol	Protocol Officer	DS160090	5/5/2016
	Office of the Coordinator for Counterterrorism.	Deputy Coordinator	DS160093	5/9/2016
	Office of the Global Women's Issues.	Special Assistant	DS160098	5/19/2016
	Office of the Special Representative for Global Partnership Initiative.	Senior Advisor	DS160100	5/23/2016
	Bureau of Public Affairs	Deputy Assistant Secretary	DS160101	5/23/2016
	Bureau of Oceans and International Environmental and Scientific Affairs.	Staff Assistant	DS160096	5/26/2016
	Office of the Under Secretary for Arms Control and International Security Affairs.	Staff Assistant	DS160103	5/26/2016
	Bureau of Economic and Business Affairs.	Special Representative for Commercial and Business Affairs.	DS160104	5/27/2016
Trade and Development Agency	Office of the Director	Senior Advisor	TD160002	5/5/2016
		Chief of Staff	TD160003	5/24/2016
United States International Trade Commission.	Office of Commissioner Schmidtlein.	Confidential Assistant	TC160004	5/3/2016

The following Schedule C appointing authorities were revoked during May 2016.

Agency name	Organization name	Position title	Request No.	Date vacated
Department of Agriculture	Natural Resources Conservation Service.	Special Assistant to the Chief for Public and Private Partnerships.	DA150142	05/08/2016

Agency name	Organization name	Position title	Request No.	Date vacated
	Agricultural Marketing Service	Chief or Staff	DA120029	05/15/2016
	Office of the Secretary	Special Assistant	DA160031	05/15/2016
	Office of Under Secretary For Natural Resources and Environment.	Chief of Staff	DA150145	05/15/2016
	Office of the Assistant Secretary for Economic Development.	Director of Public Affairs	DC140162	05/14/2016
	Office of the General Counsel	Counselor to the General Counsel	DC150071	05/14/2016
	Office of the Under Secretary	Special Assistant	DC150130	05/14/2016
	Advocacy Center	Policy Assistant	DC140123	05/15/2016
Department of Education	Office of the Secretary	Special Assistant for College Access.	DB090068	05/03/2016
Department of Health and Human Services.	Office of Intergovernmental and External Affairs.	Regional Director, Boston, Massachusetts, Region I.	DH150106	05/09/2016
	Office of the Assistant Secretary for Legislation.	Special Assistant for Oversight	DH150048	05/13/2016
	Office of the Secretary	Policy Advisor	DH160039	05/14/2016
		Senior Advisor to the Secretary	DH150175	05/14/2016
	Office of the Assistant Secretary for Public Affairs.	Director of Strategic Planning	DH150124	05/20/2016
	Office of Refugee Resettlement/Office of the Director.	Special Advisor	DH150020	05/28/2016
		Chief of Staff	DH150073	05/31/2016
	Office of the Deputy Secretary	Confidential Assistant	DH150150	05/28/2016
Department of Homeland Security	Federal Emergency Management Agency.	Press Secretary	DM150018	05/04/2016
	Office of the Under Secretary For National Protection and Programs Directorate.	Senior Advisor	DM140122	05/08/2016
	Office of the General Counsel	Special Assistant to the General Counsel and Attorney Advisor.	DM150188	05/14/2016
	Office of the Assistant Secretary for Policy.	Special Assistant	DM150056	05/28/2016
	Office of the Executive Secretariat	Director of Trips and Advance	DM150171	05/28/2016
Department of Housing and Urban Development.	Office of the Deputy Secretary	Special Assistant	DU150067	05/14/2016
	Office of the General Counsel	Chief of Staff/Senior Counsel	DU150061	05/28/2016
Department of Justice	Office of Public Affairs	Media Affairs Coordinator	DJ160011	05/11/2016
		Deputy Director	DJ140023	05/13/2016
		Press Secretary and Senior Advisor.	DJ160003	05/28/2016
	Office on Violence Against Women	Confidential Assistant	DJ160007	05/14/2016
	Office of Legal Policy	Senior Counsel	DJ140119	05/14/2016
	Office of the Deputy Attorney General.	Senior Counsel	DJ130034	05/28/2016
Department of State	Office of the Chief of Protocol	Protocol Officer	DS150041	05/14/2016
	Bureau of Public Affairs	Senior Advisor	DS140126	05/28/2016
	Office of the Global Women's Issues.	Staff Assistant	DS150064	05/28/2016
Office of Management and Budget	Office of E-Government and Information Technology.	Confidential Assistant	BO150020	05/28/2016
Office of Personnel Management	Office of Congressional Relations	Intergovernmental Affairs Associate	PM150005	05/13/2016
Office of the Secretary of Defense	Office of the Secretary of Defense	Advance Officer	DD160047	05/14/2016
	Washington Headquarters Services	Defense Fellow	DD140102	05/14/2016
Small Business Administration	Office of Communications and Public Liaison.	Senior Speechwriter	SB140012	05/14/2016
		Press Secretary	SB140024	05/28/2016
Trade and Development Agency	Office of the Director	Chief of Staff	TD130004	05/14/2016

Authority: 5 U.S.C. 3301 and 3302; E.O. 10577, 3 CFR, 1954–1958 Comp., p. 218.

U.S. Office of Personnel Management.

Beth F. Cobert,

Acting Director.

[FR Doc. 2016–18945 Filed 8–9–16; 8:45 am]

BILLING CODE 6325–39–P

OFFICE OF PERSONNEL MANAGEMENT

Submission for Review: 3206–0162, Report of Medical Examination of Person Electing Insurable Interest Survivor Benefit, OPM 1530

AGENCY: U.S. Office of Personnel Management.

ACTION: 60-Day Notice and request for comments.

SUMMARY: The Retirement Services, Office of Personnel Management (OPM) offers the general public and other Federal agencies the opportunity to comment on an extension, without change, of a currently approved information collection request (ICR) 3206–0162, Report of Medical Examination of Person Electing Insurable Interest Survivor Benefit, OPM 1530. As required by the Paperwork Reduction Act of 1995 (Pub.

Law 104–13, 44 U.S.C. chapter 35) as amended by the Clinger-Cohen Act (Pub. L. 104–106), OPM is soliciting comments for this collection.

DATES: Comments are encouraged and will be accepted until October 11, 2016. This process is conducted in accordance with 5 CFR 1320.1.

ADDRESSES: Interested persons are invited to submit written comments on the proposed information collection to the U.S. Office of Personnel Management, Retirement Services, 1900 E Street NW., Washington, DC 20415–0001, Attention: Alberta Butler, Room 2347–E, or sent by email to *Alberta.Butler@opm.gov.*

FOR FURTHER INFORMATION CONTACT: A copy of this ICR, with applicable supporting documentation, may be obtained by contacting the Retirement Services Publications Team, Office of Personnel Management, 1900 E Street NW., Room 3316–L, Washington, DC 20415–0001, Attention: Cyrus S. Benson, or sent by email to *Cyrus.Benson@opm.gov* or faxed to (202) 606–0910.

SUPPLEMENTARY INFORMATION: The Office of Management and Budget is particularly interested in comments that:

1. Evaluate whether the proposed collection of information is necessary for the proper performance of functions of OPM, including whether the information will have Practical utility;
2. Evaluate the accuracy of OPM's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
3. Enhance the quality, utility, and clarity of the information to be collected; and
4. Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submissions of responses.

OPM Form 1530 is used to collect information regarding an annuitant's health so that OPM can determine whether the insurable interest survivor benefit election can be allowed.

Analysis

Agency: Retirement Operations, Retirement Services, Office of Personnel Management.

Title: Report of Medical Examination of Person Electing Insurable Interest Survivor Benefit.

OMB Number: 3206–0162.

Frequency: On Occasion.

Affected Public: Individual or Households.

Number of Respondents: 500.

Estimated Time per Respondent: 90 minutes.

Total Burden Hours: 750.

U.S. Office of Personnel Management.

Beth F. Cobert,

Acting Director.

[FR Doc. 2016–18946 Filed 8–9–16; 8:45 am]

BILLING CODE 6325–38–P

POSTAL REGULATORY COMMISSION

[Docket Nos. CP2016–50; CP2016–52; CP2016–251; MC2016–173 and CP2016–252; MC2016–174 and CP2016–253; MC2016–175 and CP2016–254]

New Postal Products

AGENCY: Postal Regulatory Commission.

ACTION: Notice.

SUMMARY: The Commission is noticing recent Postal Service filings for the Commission's consideration concerning negotiated service agreements. This notice informs the public of the filing, invites public comment, and takes other administrative steps.

DATES: *Comments are due:* August 12, 2016 (Comment due date applies to all Docket Nos. listed above)

ADDRESSES: Submit comments electronically via the Commission's Filing Online system at *http://www.prc.gov.* Those who cannot submit comments electronically should contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section by telephone for advice on filing alternatives.

FOR FURTHER INFORMATION CONTACT: David A. Trissell, General Counsel, at 202–789–6820.

SUPPLEMENTARY INFORMATION:

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I. Introduction
II. Docketed Proceeding(s)

I. Introduction

The Commission gives notice that the Postal Service filed request(s) for the Commission to consider matters related to negotiated service agreement(s). The request(s) may propose the addition or removal of a negotiated service agreement from the market dominant or the competitive product list, or the modification of an existing product currently appearing on the market dominant or the competitive product list.

Section II identifies the docket number(s) associated with each Postal Service request, the title of each Postal Service request, the request's acceptance date, and the authority cited by the Postal Service for each request. For each request, the Commission appoints an officer of the Commission to represent the interests of the general public in the proceeding, pursuant to 39 U.S.C. 505 (Public Representative). Section II also establishes comment deadline(s) pertaining to each request.

The public portions of the Postal Service's request(s) can be accessed via the Commission's Web site (*http://www.prc.gov*). Non-public portions of the Postal Service's request(s), if any, can be accessed through compliance with the requirements of 39 CFR 3007.40.

The Commission invites comments on whether the Postal Service's request(s) in the captioned docket(s) are consistent with the policies of title 39. For request(s) that the Postal Service states concern market dominant product(s), applicable statutory and regulatory requirements include 39 U.S.C. 3622, 39 U.S.C. 3642, 39 CFR part 3010, and 39 CFR part 3020, subpart B. For request(s) that the Postal Service states concern competitive product(s), applicable statutory and regulatory requirements include 39 U.S.C. 3632, 39 U.S.C. 3633, 39 U.S.C. 3642, 39 CFR part 3015, and 39 CFR part 3020, subpart B. Comment deadline(s) for each request appear in section II.

II. Docketed Proceeding(s)

1. *Docket No(s).:* CP2016–50; *Filing Title:* Notice of United States Postal Service of Change in Prices Pursuant to Amendment to Priority Mail Contract 167; *Filing Acceptance Date:* August 4, 2016; *Filing Authority:* 39 CFR 3015.5; *Public Representative:* Curtis E. Kidd; *Comments Due:* August 12, 2016.
2. *Docket No(s).:* CP2016–52; *Filing Title:* Notice of United States Postal Service of Change in Prices Pursuant to Amendment to Priority Mail Contract 169; *Filing Acceptance Date:* August 4, 2016; *Filing Authority:* 39 CFR 3015.5; *Public Representative:* Curtis E. Kidd; *Comments Due:* August 12, 2016.
3. *Docket No(s).:* CP2016–251; *Filing Title:* Notice of United States Postal Service of Filing a Functionally Equivalent Global Expedited Package Services 6 Negotiated Service Agreement and Application for Non-Public Treatment of Materials Filed Under Seal; *Filing Acceptance Date:* August 4, 2016; *Filing Authority:* 39 CFR 3015.5; *Public Representative:* Katalin K. Clendenin; *Comments Due:* August 12, 2016.
4. *Docket No(s).:* MC2016–173 and CP2016–252; *Filing Title:* Request of the

United States Postal Service to Add Priority Mail & First-Class Package Service Contact 24 to Competitive Product List and Notice of Filing (Under Seal) of Unredacted Governors' Decision, Contract, and Supporting Data; *Filing Acceptance Date:* August 4, 2016; *Filing Authority:* 39 U.S.C. 3642 and 39 CFR 3020.30 *et seq.; Public Representative:* Natalie R. Ward; *Comments Due:* August 12, 2016.

5. *Docket No(s).:* MC2016–174 and CP2016–253; *Filing Title:* Request of the United States Postal Service to Add Priority Mail & First-Class Package Service Contact 25 to Competitive Product List and Notice of Filing (Under Seal) of Unredacted Governors' Decision, Contract, and Supporting Data; *Filing Acceptance Date:* August 4, 2016; *Filing Authority:* 39 U.S.C. 3642 and 39 CFR 3020.30 *et seq.; Public Representative:* Natalie R. Ward; *Comments Due:* August 12, 2016.

6. *Docket No(s).:* MC2016–175 and CP2016–254; *Filing Title:* Request of the United States Postal Service to Add Priority Mail Express & Priority Mail Contract 30 to Competitive Product List and Notice of Filing (Under Seal) of Unredacted Governors' Decision, Contract, and Supporting Data; *Filing Acceptance Date:* August 4, 2016; *Filing Authority:* 39 U.S.C. 3642 and 39 CFR 3020.30 *et seq.; Public Representative:* Katalin K. Clendenin; *Comments Due:* August 12, 2016.

This notice will be published in the **Federal Register**.

Stacy L. Ruble,

Secretary.

[FR Doc. 2016–18997 Filed 8–9–16; 8:45 am]

BILLING CODE 7710–FW–P

POSTAL SERVICE

Product Change—Priority Mail Express and Priority Mail Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Effective date:* August 10, 2016.

FOR FURTHER INFORMATION CONTACT: Elizabeth A. Reed, 202–268–3179.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on August 4, 2016, it filed with the Postal Regulatory Commission a *Request of the United States Postal Service to Add Priority Mail Express & Priority Mail Contract 30 to Competitive Product List.* Documents are available at *www.prc.gov,* Docket Nos. MC2016–175, CP2016–254.

Stanley F. Mires,

Attorney, Federal Compliance.

[FR Doc. 2016–18907 Filed 8–9–16; 8:45 am]

BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail and First-Class Package Service Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Effective date:* August 10, 2016.

FOR FURTHER INFORMATION CONTACT: Elizabeth A. Reed, 202–268–3179.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on August 4, 2016, it filed with the Postal Regulatory Commission a *Request of the United States Postal Service to Add Priority Mail & First-Class Package Service Contract 25 to Competitive Product List.* Documents are available at *www.prc.gov,* Docket Nos. MC2016–174, CP2016–253.

Stanley F. Mires,

Attorney, Federal Compliance.

[FR Doc. 2016–18916 Filed 8–9–16; 8:45 am]

BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail and First-Class Package Service Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Effective date:* August 10, 2016.

FOR FURTHER INFORMATION CONTACT: Elizabeth A. Reed, 202–268–3179.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on August 4, 2016, it filed with the Postal Regulatory Commission a *Request of the United States Postal Service to Add Priority Mail & First-Class Package Service Contract 24 to Competitive Product List.* Documents are available at *www.prc.gov,* Docket Nos. MC2016–173, CP2016–252.

Stanley F. Mires,

Attorney, Federal Compliance.

[FR Doc. 2016–18918 Filed 8–9–16; 8:45 am]

BILLING CODE 7710–12–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–78477; File No. 4–668]

Joint Industry Plan; Notice of Filing and Immediate Effectiveness of Amendment No. 4 to the National Market System Plan Governing the Process of Selecting a Plan Processor and Developing a Plan for the Consolidated Audit Trail by BATS Exchange, Inc., BATS–Y Exchange, Inc., BOX Options Exchange LLC, C2 Options Exchange, Incorporated, Chicago Board Options Exchange, Incorporated, Chicago Stock Exchange, Inc., EDGA Exchange, Inc., EDGX Exchange, Inc., Financial Industry Regulatory Authority, Inc., International Securities Exchange, LLC, ISE Gemini, LLC, ISE Mercury, LLC, Miami International Securities Exchange LLC, NASDAQ OMX BX, Inc., NASDAQ OMX PHLX LLC, The NASDAQ Stock Market LLC, National Stock Exchange, Inc., New York Stock Exchange LLC, NYSE MKT LLC, and NYSE Arca, Inc.

August 4, 2016.

I. Introduction

Pursuant to Section 11A of the Securities Exchange Act of 1934 ("Act")[1] and Rule 608 thereunder,[2] notice is hereby given that, on July 14, 2016, BATS Exchange, Inc., BATS–Y Exchange, Inc., BOX Options Exchange LLC, C2 Options Exchange, Incorporated, Chicago Board Options Exchange, Incorporated, Chicago Stock Exchange, Inc., EDGA Exchange, Inc., EDGX Exchange, Inc., Financial Industry Regulatory Authority, Inc., International Securities Exchange, LLC,

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[1] 15 U.S.C. 78k–1.

[2] 17 CFR 242.608.

ISE Gemini, LLC, ISE Mercury, Miami International Securities Exchange LLC, NASDAQ OMX BX, Inc., NASDAQ OMX PHLX LLC, The NASDAQ Stock Market LLC, National Stock Exchange, Inc., New York Stock Exchange LLC, NYSE MKT LLC, and NYSE Arca, Inc. (collectively, “SROs” or “Participants”), filed with the Securities and Exchange Commission (the “Commission”) a proposal to amend the Plan Governing the Process of Selecting a Plan Processor and Developing a Plan for the Consolidated Audit Trail (the “Selection Plan”).[3]

The SROs propose to amend the Selection Plan to add the Investors' Exchange, LLC (“IEX”) as a Participant to the Selection Plan. The SROs also propose to replace references in the Plan to “Nasdaq OMX BX, Inc.”, “NASDAQ OMX PHLX LLC”, “BATS Exchange, Inc.”, “BATS–Y Exchange, Inc.”, “EDGA Exchange, Inc.”, and “EDGX Exchange, Inc.” with references to “NASDAQ BX, Inc.”, “NASDAQ PHLX LLC”, “Bats BZX Exchange, Inc.”, “Bats BYX Exchange, Inc.”, “Bats EDGA Exchange, Inc.”, and “Bats EDGX Exchange, Inc.”, respectively. In each case, the relevant exchange filed proposed rule changes to implement the name change.[4] A copy of the proposed amendment to the Selection Plan (“Amendment No. 4”) is attached as Exhibit A hereto. The Commission is publishing this notice to solicit comments from interested persons on proposed Amendment No. 4 to the Selection Plan.

II. Description of the Plan

Set forth in this Section II is the statement of the purpose of Amendment No. 4 to the Selection Plan, along with the information required by Rule 608(a)(4) and (5) under the Exchange Act,[5] as prepared and submitted by the SROs to the Commission.[6]

* * * * *

Background

The Selection Plan was initially filed with the Commission on September 4, 2013,[7] approved on February 21, 2014,[8] and subsequently amended three times.[9] The Selection Plan governs the process for how the Participants will evaluate and select a Plan Processor and develop the National Market System Plan Governing the Consolidated Audit Trail Pursuant to Rule 613 of Regulation NMS under the Exchange Act (“CAT NMS Plan”).

Requirements Pursuant to Rule 608(a)

A. Description of the Amendments to the Selection Plan

On June 17, 2016, the Commission approved IEX's registration as a national securities exchange pursuant to Section 6 of the Exchange Act.[10] Pursuant to Section II(B) of the Selection Plan, the Participants propose amending the Selection Plan to add IEX as a Participant thereto. Section II(B) of the Selection Plan states:

> Any entity approved by the SEC as a national securities exchange or national securities association under the Exchange Act after the effectiveness of the Plan shall become a Participant by satisfying each of the following requirements: (1) effecting an amendment to the Plan by executing a copy of the Plan as then in effect (with the only change being the addition of the new Participant's name in Section II of the Plan) and submitting such amendment to the SEC for approval; and (2) providing each then-current Participant with a copy of such executed Plan. The amendment shall be effective when it is approved by the SEC in accordance with SEC Rule 608 or otherwise becomes effective pursuant to SEC Rule 608.[11]

Accordingly, IEX has executed a copy of the Selection Plan as currently in effect, with the addition of IEX's name to Section II of the Selection Plan, and provided each existing Participant a copy of the executed Selection Plan. With this submission, the Participants submit the executed Selection Plan to the Commission for approval on behalf of IEX. A copy of the executed version of the Selection Plan is attached hereto.[12]

The Participants also propose to amend the Selection Plan to replace references to “NASDAQ OMX BX, Inc.”, “NASDAQ OMX PHLX LLC”, “BATS Exchange, Inc.”, “BATS–Y Exchange, Inc.”, “EDGA Exchange, Inc.”, and “EDGX Exchange, Inc.” with references to “NASDAQ BX, Inc.”, “NASDAQ PHLX LLC”, “Bats BZX Exchange, Inc.”, “Bats BYX Exchange, Inc.”, “Bats EDGA Exchange, Inc.”, and “Bats EDGX Exchange, Inc.”, respectively. In each case, the relevant exchange filed proposed rule changes to implement the name change.[13]

The proposed amendments to the text of the Selection Plan are set forth in Exhibit A.

B. Governing or Constituent Documents

Not applicable.

C. Implementation of Amendment

The terms of the proposed amendment will become effective upon filing pursuant to Rule 608(b)(3)(iii) of the Exchange Act because it involves solely technical or ministerial matters. At any time within sixty days of the filing of this amendment, the Commission may summarily abrogate the amendment and require that it be refiled pursuant to paragraph (b)(1) of Rule 608,[14] if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors or the maintenance of fair and orderly markets, to remove impediments to, and perfect the mechanisms of, a national market system or otherwise in furtherance of the purposes of the Exchange Act.

D. Development and Implementation Phases

Not applicable.

E. Analysis of Impact on Competition

Not applicable.

F. Written Understanding or Agreements Relating to Interpretation of, or Participation in, Plan

Not applicable.

G. Statement That the Amendments Have Been Approved by the Plan Sponsors

The Selection Plan provides that, except with respect to the addition of new Participants, amendments to the Selection Plan shall be effected by means of a written amendment that: (1) sets forth the change, addition, or deletion; (2) is executed by over two-thirds of the Participants; and (3) is approved by the SEC pursuant to Rule 608, or otherwise becomes effective under Rule 608.[15] The proposed amendment has been executed by all of the Participants and has consequently been approved by the SROs.

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[3] *See* Letter from the Participants to Brent J. Fields, Secretary, Commission, dated July 13, 2016.

[4] Securities Exchange Act Release Nos. 76656 (December 15. 2015), 80 FR 79381 (December 21, 2015) (for NASDAQ BX, Inc.); 76654 (December 15, 2015), 80 FR 79396 (December 21, 2015) (for NASDAQ PHLX LLC); 77307 (March 7, 2016), 81 FR 12996 (March 11, 2016) (for Bats BZX Exchange, Inc.); 77308, 81 FR 12975 (March 11, 2016) (for Bats BYX Exchange, Inc.); 77299, 81 FR 12759 (March 10, 2016) (for Bats EDGA Exchange, Inc.); and 77298 (March 4, 2016), 81 FR 12757 (March 10, 2016) (for Bats EDGX Exchange, Inc.).

[5] *See* 17 CFR 242.608(a)(4) and (a)(5).

[6] *See* Letter from the SROs to Brent J. Fields, Secretary, Commission, dated July 13, 2016.

[7] *See* Securities Exchange Act Release No. 70892 (November 15, 2013), 78 FR 69910 (November 21, 2013).

[8] *See* Securities Exchange Act Release No. 71596 (February 21, 2014), 79 FR 11152 (February 27, 2014).

[9] *See* Securities Exchange Act Release No. 75192 (June 17, 2015), 80 FR. 36028 (June 23, 2015); Securities Exchange Act Release No. 75980 (September 24, 2015), 80 FR 58796 (September 30, 2015); and Securities Exchange Act Release No. 77917 (May 25, 2016), 81 FR 35072 (June 1, 2016).

[10] *See* Securities Exchange Act Release No. 78101 (June 17, 2016), 81 FR 41142 (June 23, 2016).

[11] *See* Selection Plan, Section II(B), *available at www.catnmsplan.com.*

[12] *See* Exhibit B.

[13] *See* note 4, *supra.*

[14] The Commission notes that if it abrogated an amendment, the Commission could require the amendment to be refiled in accordance with subparagraph (a)(1) of Rule 608. *See* 17 CFR 242.608(b)(3)(iii).

With respect to new Participants, an amendment to the Selection Plan may be effected by the new national securities exchange or national securities association in accordance with Section II of the Selection Plan. As discussed above, IEX has executed the existing version of the Selection Plan, with IEX's name added to Section II, provided each existing Participant a copy of the executed Selection Plan, and is providing the Commission with a copy of the executed version with this submission.

H. Terms and Conditions of Access

Not applicable.

I. Method of Determination and Imposition, and Amount of, Fees and Charges

Not applicable.

J. Method and Frequency of Processor Evaluation

Not applicable.

K. Dispute Resolution

Not applicable.

III. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the Amendment No. 4 to the Selection Plan is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov*. Please include File Number 4–668 on the subject line.

Paper Comments

- Send paper comments in triplicate to Brent J. Fields, Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number 4–668. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the Amendment to the Plan that are filed with the Commission, and all written communications relating to the Amendment to the Plan between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549 on official business days between 10:00 a.m. and 3:00 p.m. Copies of the submission will also be available for inspection and copying at the Participants' principal offices. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number 4–668 and should be submitted on or before August 31, 2016.

By the Commission.

Robert W. Errett,

Deputy Secretary.

Exhibit A

Proposed Amendment Text

Additions italicized; deletions bracketed.

Plan Processor Evaluation and Selection Plan

II. Participants

(A) List of Participants

The Participants are as follows:

(1) [BATS] *Bats BYX* Exchange, Inc.
(2) [BATS Y-Exchange,] *Bats BZX Exchange,* Inc.
(3) Bats EDGA Exchange, Inc.
(4) Bats EDGX Exchange, Inc.
([3] *5*) BOX Options Exchange LLC
([4] *6*) C2 Options Exchange, Incorporated
([5] *7*) Chicago Board Options Exchange, Incorporated
([6] *8*) Chicago Stock Exchange, Inc.
[(7) EDGA Exchange, Inc.]
[(8) EDGX Exchange, Inc.]
(9) Financial Industry Regulatory Authority, Inc.
(10) International Securities Exchange, LLC
(11) Investors' Exchange, LLC
([11] *12*) ISE Gemini, LLC
([12] *13*) ISE Mercury, LLC
([13] *14*) Miami International Securities Exchange LLC
([14] *15*) NASDAQ [OMX] BX, Inc.
([15] *16*) NASDAQ [OMX] PHLX LLC
([16] *17*) The Nasdaq Stock Market LLC
([17] *18*) National Stock Exchange, Inc.
([18] *19*) New York Stock Exchange LLC
([19] *20*) NYSE MKT LLC
([20] *21*) NYSE Arca, Inc.

* * * * *

BATS *BYX* EXCHANGE, INC.
BY: ________________

BATS EDGA EXCHANGE, INC.
BY: ________________

BOX OPTIONS EXCHANGE LLC
BY: ________________

CHICAGO BOARD OPTIONS EXCHANGE, INCORPORATED
BY: ________________

[EDGA EXCHANGE, INC.]
BY: ________________

FINANCIAL INDUSTRY REGULATORY AUTHORITY, INC.
BY: ________________

[ISE GEMINI, LLC] *INVESTORS' EXCHANGE, LLC*
BY: ________________

BATS *BZX* [Y–EXCHANGE] *EXCHANGE,* INC.
BY: ________________

BATS EDGA EXCHANGE, INC.
BY: ________________

C2 OPTIONS EXCHANGE, INCORPORATED
BY: ________________

CHICAGO STOCK EXCHANGE, INC.
BY: ________________

[EDGA EXCHANGE, INC.]
BY: ________________

INTERNATIONAL SECURITIES EXCHANGE, LLC
BY: ________________

[ISE *GEMINI*, LLC] ISE
BY: ________________

[MIAMI INTERNATIONAL SECURITIES EXCHANGE LLC] *ISE MERCURY, LLC*
BY: ________________

NASDAQ [OMX PHLX LLC] *BX, INC.*
BY: ________________

[NATIONAL STOCK EXCHANGE, INC.] *THE NASDAQ STOCK MARKET LLC*
BY: ________________

[NYSE MKT LLC] *NEW YORK STOCK EXCHANGE LLC*
BY: ________________

NYSE ARCA, INC.
BY: ________________

[NASDAQ OMX BX, INC.] *MIAMI INTERNATIONAL SECURITIES EXCHANGE LLC*
BY: ________________

[THE] NASDAQ *PHLX* [STOCK MARKET] LLC
BY: ________________

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[15] *See* Notice of Selection Plan, *supra* note 5.

[NEW YORK STOCK EXCHANGE LLC]
NATIONAL STOCK EXCHANGE, INC.
BY: ______
NYSE *MKT LLC* [ARCA, INC.]
BY: ______

[FR Doc. 2016–18908 Filed 8–9–16; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–78479; File No. SR–NYSEArca–2016–105]

Self-Regulatory Organizations; NYSE Arca, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Amending the NYSE Arca Options Fee Schedule

August 4, 2016.

Pursuant to Section 19(b)(1)[1] of the Securities Exchange Act of 1934 (the "Act")[2] and Rule 19b–4 thereunder,[3] notice is hereby given that, on July 29, 2016, NYSE Arca, Inc. (the "Exchange" or "NYSE Arca") filed with the Securities and Exchange Commission (the "Commission") the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend the NYSE Arca Options Fee Schedule ("Fee Schedule"). The Exchange proposes to implement the fee change effective August 1, 2016. The proposed rule change is available on the Exchange's Web site at *www.nyse.com*, at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of this filing is to add the concepts of "Appointed OFP" and "Appointed MM" to the Exchange's Fee Schedule, effective August 1, 2016, which would increase opportunities for firms to qualify for various volume tier discounts and rebates.

Specifically, the Exchange proposes to allow NYSE Arca Market Makers ("Marker Makers") to designate an Order Flow Provider ("OFP")[4] as its "Appointed OFP" and to likewise allow OFPs to designate a Market Maker as its "Appointed MM."[5] As proposed, OTP Holders and OTP Firms (each, an "OTP"; collectively, "OTPs") would effectuate the designation—of an Appointed OFP or Appointed MM—by each sending an email to the Exchange.[6] The Exchange would view corresponding emails as acceptance of such an appointment and would only recognize one such designation for each party once every 12-months, which designation would remain in effect unless or until the Exchange receives an email from either party indicating that the appointment has been terminated.[7] The Exchange believes that this requirement would impose a measure of exclusivity and would enable both parties to rely upon each other's, and potentially increase, transaction volumes executed on the Exchange, which is beneficial to all Exchange participants.

The Exchange proposes to allow an OTP to opt to combine its volume with that of its Appointed OFP/Appointed MM to qualify for the various incentive programs offered on the Exchange. First, an OTP with an Appointed OFP/Appointed MM would be able to aggregate certain of its volumes with that of its Appointed OFP/Appointed MM for purposes of qualifying for certain posting credits available in the Customer and Professional Customer Monthly Posting Credit Tiers and Qualifications for Executions in Penny Pilot Issues ("Customer Posting Tiers") and Market Maker Monthly Posting Credit Tiers and Qualifications for Executions in Penny Pilot Issues and SPY ("Market Maker Posting Tiers").[8] Currently, an OTP can only aggregate its volume with that of its affiliate(s).[9] The concept of Appointed OFP/Appointed MM would apply in those instances where an OTP qualifies for a favorable fee by calculating qualifying volume through combining its transactions with that of Appointed OFP/Appointed MM. However, an OTP that has both an Appointed OFP/Appointed MM and any affiliate(s) may only aggregate volumes with one of these two, not both. Thus, the Exchange proposes to modify the Fee Schedule to provide that in calculating qualifications for monthly posting credits, "the Exchange would include the activity of either (i) affiliates or (ii) an Appointed OFP/Appointed MM."[10] To make clear that the volume of any affiliate(s) or an Appointed OFP/Appointed MM may be included in the monthly calculations for achieving any of the tiers, the Exchange proposes to remove the asterisks from Tiers 2 and 5 of the Customer Posting Tiers and the Super Tier of the Market Maker Posting Tiers, as well as the corresponding asterisk at the bottom of each table.

In addition to the Customer Posting Tiers and the Market Maker Posting Tiers, as proposed, volumes of an Appointed OFP/Appointed MM (or, of any affiliate(s)) would also be applied in calculating whether an OTP achieved credits or rebates available through the Exchange's other incentive programs, including (i) the Customer and Professional Customer Incentive Program; (ii) the Market Maker Incentive Program; (iii) the Customer and Professional Customer Posting Credit Tiers In Non Penny Pilot Issues; and (iv) the Discount in Take Liquidity Fees for Professional Customer, Market Maker, Firm, and Broker Dealer Liquidity Removing Orders. In this regard, Exchange proposes to add language making clear that the calculations for achieving the monthly volume thresholds would include transaction volume from any of an OTP's affiliates or its Appointed MM or Appointed OFP (as applicable), which would add clarity and transparency to the Fee Schedule. As noted above, an OTP that has both an Appointed OFP/Appointed MM and any affiliate(s) may only aggregate volumes with one of these two, not both.[11]

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[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

[4] *See* Rule 6.1A(a)(21) (defining OFP as any OTP Holder that submits, as agent, orders to the Exchange).

[5] *See* proposed Endnote 15 to Fee Schedule.

[6] *See id.*

[7] *See id.*

[8] *See id.*

[9] *See* Fee Schedule, *available here, https://www.nyse.com/publicdocs/nyse/markets/arca-options/NYSE_Arca_Options_Fee_Schedule.pdf* (explicitly providing that OTPs may combine volumes with affiliates to take advantage of Tiers 2 and 5 of the Customer Posting Tiers, and the Super Tier of the Market Maker Posting Tiers). *See also* Endnote 8 citing Rule 1.1(a) (defining an affiliate as being a person that directly, or indirectly through one or more intermediaries, controls or is controlled by, or is under common control with, the person specified).

[10] *See* proposed Endnote 8 to Fee Schedule Fee.

The Exchange also proposes to add reference to Endnote 8, as modified, to the beginning of each of the incentive programs discussed herein to make clear how the Exchange calculates the qualifications for monthly posting credits and discounts.[12] Given the proposal to refer to Endnote 8 at the beginning of each incentive program, the Exchange proposes to delete references to Endnote 8 that appear elsewhere in the text regarding the incentives, which would eliminate redundancy and add clarity to the Fee Schedule.[13]

The Exchange does not propose to modify any of the volume qualifications or the associated credits and discounts for the various incentive programs at this time.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act,[14] in general, and furthers the objectives of Sections 6(b)(4) and (5) of the Act,[15] in particular, because it provides for the equitable allocation of reasonable dues, fees, and other charges among its members, issuers and other persons using its facilities and does not unfairly discriminate between customers, issuers, brokers or dealers.

The proposal is reasonable, equitable and not unfairly discriminatory for the following reasons. First, the proposal would be available to all Market Makers and OFPs and the decision to be designated as an "Appointed OFP" or "Appointed MM" would be completely voluntary and an OTP may elect to accept this appointment or not. In addition, the proposed changes would enable firms that are not currently eligible for certain credits or discounts to avail themselves of these credits/discounts as well increase opportunities for firms that are currently eligible for certain credits/discounts to potentially achieve a higher tier, thus qualifying to higher credits. The Exchange believes these proposed changes would incent firms to direct their order flow to the Exchange. Specifically, the proposed changes would enable any Market Maker—not just those with affiliates—to pool certain volumes to potentially qualify its Appointed OFP for credits/discounts available on the Exchange. Moreover, the proposed change would allow any OFP, by virtue of designating an Appointed MM, to aggregate certain of its own volumes with the activity of its Appointed MM, which would enhance the OFP's potential to qualify for additional credits and discounts. The Exchange believes these proposed changes would incent Appointed OFPs and OFPs with an Appointed MM to direct their order flow to the Exchange, which additional liquidity would benefit all market participants (including those market participants that are not currently affiliated and/or opt not to become an Appointed OFP) by providing more trading opportunities and tighter spreads. The Exchange also notes that the proposed changes are reasonable as other exchanges have adopted similar concepts for their own affiliate-based incentive programs.[16]

Similarly, the proposal, which would permit the opportunity for both parties to rely upon each other's, and potentially increase, transaction volumes, are reasonable, equitable and not unfairly discriminatory because it may encourage market making firms to participate in the Exchange's Market Maker Incentive Program or the Market Maker Posting Tiers, which potential increase in order flow, capital commitment and resulting liquidity on the Exchange would benefit all market participants by expanding liquidity, providing more trading opportunities and tighter spreads.

The proposal is also reasonable, equitable and not unfairly discriminatory because the Exchange would only process one designation of an "Appointed OFP" or "Appointed MM" per year, which requirement would impose a measure of exclusivity while allowing both parties to rely upon each other's, and potentially increase, transaction volumes executed on the Exchange to the benefit of all Exchange participants.

Finally, the Exchange believes the proposal to make clarifying changes to the incentive programs, including to make clear that the volumes of affiliates or an Appointed OFP/Appointed MM would apply to all tiers and that the calculations for achieving the monthly volume posting credits and discounts are set forth in Endnote 8, would add transparency and internal consistency to the Fee Schedule, which would make it easier for market participants to navigate and comprehend.

For these reasons, the Exchange believes that the proposal is consistent with the Act.

B. Self-Regulatory Organization's Statement on Burden on Competition

In accordance with Section 6(b)(8) of the Act, the Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The Exchange believes that the proposed changes are pro-competitive as they would increase opportunities for additional firms to qualify for various credits and discounts, which may increase intermarket and intramarket competition by incenting Appointed OFPs and Appointed MMs to direct their orders to the Exchange, thereby increasing the volume of contracts traded on the Exchange and enhancing the quality of quoting. Enhanced market quality and increased transaction volume that results from the anticipated increase in order flow directed to the Exchange would benefit all market participants and improve competition on the Exchange. Moreover, the clarifying changes are pro-competitive to the extent the changes add transparency and internal consistency to the Fee Schedule, which would make it easier for market participants to navigate and comprehend.

The Exchange notes that it operates in a highly competitive market in which market participants can readily favor competing venues. In such an environment, the Exchange must continually review, and consider adjusting, its fees and credits to remain competitive with other exchanges. For the reasons described above, the Exchange believes that the proposed rule change reflects this competitive environment.

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[11] *See id.*

[12] *See id.* The Exchange has added the word "discount" to the first sentence of Endnote 8 to make clear that the calculation for monthly qualification also apples to the Discount in Take Liquidity Fees for Professional Customer, Market Maker, Firm, and Broker Dealer Liquidity Removing Orders. *See* proposed Endnote 8 to Fee Schedule Fee.

[13] For example, the Exchange proposes to delete reference to Endnote 8 from Tiers 4 and 7 of the Customer Posting Tiers.

[14] 15 U.S.C. 78f(b).

[15] 15 U.S.C. 78f(b)(4) and (5).

[16] *See* NYSE Amex Options Fee Schedule, *available here, https://www.nyse.com/publicdocs/nyse/markets/amex-options/NYSE_Amex_Options_Fee_Schedule.pdf* (allowing aggregation of volume to qualify for the Amex Customer Engagement ("ACE") Program); Chicago Board Options Exchange, Inc. ("CBOE") fee schedule, *available here, https://www.cboe.com/publish/feeschedule/CBOEFeeSchedule.pdf* (allowing aggregation of volume to qualify for credits available under an Affiliated Volume Plan or "AVP"); Bats BZX Exchange, Inc.'s ("BZX") fee schedule, *available here, https://batstrading.com/support/fee_schedule/bzx/* (allowing aggregation of volume to qualify for tiered pricing); NASDAQ Options Market LLC ("NOM") fee schedule, *available here, http://www.nasdaqtrader.com/Micro.aspx?id=OptionsPricing* (allowing aggregation of volume to qualify for various pricing incentives).

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change is effective upon filing pursuant to Section 19(b)(3)(A)[17] of the Act and subparagraph (f)(2) of Rule 19b–4[18] thereunder, because it establishes a due, fee, or other charge imposed by the Exchange.

At any time within 60 days of the filing of such proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings under Section 19(b)(2)(B)[19] of the Act to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or.
- Send an email to *rule-comments@sec.gov*. Please include File Number SR–NYSEArca–2016–105 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–NYSEArca–2016–105. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NYSEArca–2016–105, and should be submitted on or before August 31, 2016.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[20]

Robert W. Errett,

Deputy Secretary.

[FR Doc. 2016–18910 Filed 8–9–16; 8:45 am]

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[17] 15 U.S.C. 78s(b)(3)(A).

[18] 17 CFR 240.19b–4(f)(2).

[19] 15 U.S.C. 78s(b)(2)(B).

[20] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–78478; File No. SR–C2–2016–014]

Self-Regulatory Organizations; C2 Options Exchange, Incorporated; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change Relating to AIM Retained Orders

August 4, 2016.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act"),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on July 27, 2016, C2 Options Exchange, Incorporated (the "Exchange" or "C2") filed with the Securities and Exchange Commission (the "Commission") the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Exchange filed the proposal as a "non-controversial" proposed rule change pursuant to Section 19(b)(3)(A)(iii) of the Act[3] and Rule 19b–4(f)(6) thereunder.[4] The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The text of the proposed rule change is available on the Exchange's Web site (*http://www.c2exchange.com/Legal/*), at the Exchange's Office of the Secretary, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend Rule 6.51 (Automated Improvement Mechanism ("AIM")) to: (1) Clarify how orders submitted for electronic crossing into the AIM auction are treated if an auction cannot occur; (2) adopt Interpretation and Policy .10 to Rule 6.51 (AIM Retained Order Functionality) to describe the Exchange's AIM Retained Order ("A:AIR") functionality in the Rules; and (3) make minor edits to Interpretation and Policy .04 to Rule 6.13 (Price Check Parameters) relating to the treatment of complex AIM orders marked A:AIR and correct certain typographical errors. The Exchange notes that this filing is based upon and, in all material respects, substantially similar to a recent filing of Chicago Board Options Exchange, Incorporated ("CBOE") regarding A:AIR functionality.[5] Both AIM and A:AIR functionality are active on CBOE.

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[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A)(iii).

[4] 17 CFR 240.19b–4(f)(6).

[5] *See* Securities Exchange Act Release No. 77848 (May 17, 2016), 81 FR 31978 (May 20, 2016) (SR–

Under Rule 6.51 (Automated Improvement Mechanism ("AIM")), a Permit Holder ("Participant") that represents agency orders may electronically execute an order it represents as agent ("Agency Order") against principal interest or against a solicited order provided it submits the Agency Order for electronic execution into the AIM auction ("Auction") for processing. Matched Agency Orders may be processed via AIM subject to certain eligibility requirements contained in Rule 6.51(a). Specifically, to be eligible for processing via AIM, the Agency Order must be: (1) In a class designated as eligible for AIM Auctions as determined by the Exchange and within the designated Auction order eligibility size parameters as such size parameters are determined by the Exchange; and (2) stopped as principal or with a solicited order at the better of the national best bid or offer ("NBBO") or the Agency Order's limit price (if the order is a limit order).[6] Orders submitted for crossing into AIM, which are ineligible for Auction processing will result in both the Agency Order and the matching contra order(s) being cancelled.

Under Rule 6.51(a)(1), an Auction may be conducted in a class designated as eligible for Auctions as determined by the Exchange. Any determinations made by the Exchange, such as eligible classes, will be communicated in a Regulatory Circular pursuant to Interpretation and Policy .05 to Rule 6.51. Notably, AIM functionality is currently not activated in any class on the Exchange.

A:AIR functionality is an enhancement to AIM, which if activated, would allow Participants the flexibility to choose, on an order-by-order basis, whether an Agency Order should continue into the System[7] for processing rather than cancel in the event that an Auction cannot occur.[8] A:AIR functionality essentially allows for the entry of Agency Orders into AIM with contingency processing instructions for handling in the event that the order cannot be processed via Auction. For example, using A:AIR functionality, a Permit Holder enters an Agency Order to buy 10 standard contracts at the market along with a matched solicited contra order to sell 10 standard contracts at $1.21. At the time the A:AIR order is entered, the NBBO is $1.00 to $1.20, with a Customer order to sell 30 contracts at $1.20 resting at the top of the book alone. Here, the order would not be eligible for submission into AIM because the Agency Order was not stopped with a solicited order priced better than the NBBO.[9] As a result, pursuant to Rule 6.51(a)(2), the Auction would not begin. Whereas both the Agency Order and solicited order would have cancelled if the order were not marked A:AIR, in this case, because the order was marked A:AIR, the Agency Order would route to the automated trading system for processing and trade against the resting Customer—the solicited order would still be cancelled. Again, however, had the Permit Holder not marked this order A:AIR, both the Agency Order and solicited order would cancel.

Currently, A:AIR functionality is not explicitly defined in the Exchange's AIM rules.[10] Accordingly, this filing is intended to further codify, clarify, and describe A:AIR functionality in the Rules. Specifically, the Exchange proposes to adopt Interpretation and Policy .10 to Rule 6.51 (AIM Retained Order Functionality), under which the Exchange would define an A:AIR order as the transmission of two or more orders for crossing pursuant to Rule 6.51, with the Agency Order priced at the market or a limit price in the standard increment for the option series and marked with a contingency instruction to route the Agency Order for processing and cancel any contra orders if an Auction cannot occur (including if the conditions described in Rule 6.51(a) are not met).

Furthermore, to ensure that A:AIR orders are properly priced to allow the Exchange to book the Agency Order in the event an Auction cannot occur, proposed Interpretation and Policy .10 to Rule 6.51 would provide that orders marked "A:AIR" with Agency Orders that are not priced at the market or that are priced with a limit price not in the standard increment for the option series in which they are entered would be rejected. For example, if a Participant were to submit a matched Agency Order into AIM for processing in a class with a minimum increment of a nickel, which was stopped with a contra order at $0.07, both the Agency Order and the contra order would be rejected because the order, which is not priced in the minimum increment for the class, would not eligible for AIM processing and because the System would not be able to book an order at $0.07 in a class with a minimum increment of a nickel. Notably, this provision of proposed Interpretation and Policy .10 to Rule 6.51 is consistent with Exchange rules that only permit orders at the standard increment to enter the book.[11] Finally, proposed Interpretation and Policy .10 to Rule 6.51 would provide that A:AIR order functionality could be made available on those order management platforms as determined by the Exchange and announced via Regulatory Circular. This provision is intended to make clear that A:AIR functionality may not be available on all trading platforms in use on the Exchange.[12]

The Exchange also notes that although orders submitted into AIM, which are not marked A:AIR and are ineligible for Auction processing will result in both the Agency Order and the matching contra order(s) being cancelled, the Rules do not explicitly provide as much. Accordingly, the Exchange proposes to add language to Rule 6.51(a) to provide that in the event that a Participant submits a matched Agency Order for electronic execution into the Auction that is ineligible for processing because it does not meet the conditions described in paragraph (a), both the Agency Order and any solicited contra orders will be cancelled unless marked as an AIM Retained order pursuant to proposed Interpretation and Policy .10 to Rule 6.51.[13]

CBOE–2016–024) (Order Approving Proposed Rule Change, as Modified by Amendment No. 2 Thereto, Relating to AIM Retained Orders). *See also* Interpretation and Policy .09 to CBOE Rule 6.74A (AIM Retained Order Functionality).

[6] *See* Rule 6.51(a).

[7] The System refers to the Exchange's automated trading system as defined in Rule 1.1 (Definitions).

[8] There are a variety of circumstances in which an AIM order may be submitted to the Exchange for processing, but an auction may not occur. For example, a Participant may submit an order for AIM processing, which is not AIM eligible because one or more of the conditions required for an AIM auction to occur pursuant to Rule 6.51(a) is not present. In addition, an order that is otherwise AIM eligible may not be able to process for a variety of reasons, including, but not limited to circumstances in which AIM functionality is suspended. In either of such cases, A:AIR functionality may allow the Agency Order to process despite the overall order not being AIM eligible.

[9] *See* Rule 6.51(a)(2).

[10] A:AIR functionality is generally referred to in the Rules, although not using that term. *See* Interpretation and Policy .04 to Rule 6.13 (Price Check Parameters) at paragraphs (c)(5), (d), (f)(3), and (h)(4) referring to orders that instruct the System to process the Agency Order as an unpaired order if an AIM Auction cannot be initiated.

[11] *See* Rule 6.4.

[12] A:AIR functionality is not currently supported on the PULSe trader workstation. PULSe is an order handling tool used for the manual handling of orders. Thus, when ineligible AIM orders would be rejected back to PULSe users, a person is present to decide how best to handle such orders. PULSe users can either re-route such orders to be booked or for alternative electronic processing on the Exchange.

[13] Notably, the A:AIR functionality may be primarily used by smart router technology to ensure that ineligible AIM orders are submitted into the System for processing and not cancelled. Whereas traditional brokers and dealers are equipped to manually handle cancelled orders that are returned to them and may revise the cancelled orders' terms or contact their customers for further instructions,

Continued

The Exchange also proposes to make minor changes to Interpretation and Policy .04 to Rule 6.13 regarding price reasonability checks on complex orders to harmonize references to A:AIR functionality in Rule 6.13 with the language in proposed Interpretation and Policy .10 to Rule 6.51. Specifically, the Exchange proposes to modify Interpretation and Policy .04(c)(5), (d), (f)(3), and (h)(4) to Rule 6.13 (Price Check Parameters) to change references to AIM orders that instruct the System to process the Agency Order as an unpaired order if an AIM auction cannot be initiated, to instead refer to A:AIR orders as defined in proposed Interpretation and Policy .10 to Rule 6.51. These changes are non-substantive and intended only to harmonize existing references to A:AIR functionality currently in the Rules with the definition of A:AIR orders set forth in proposed Interpretation and Policy .10 to Rule 6.51. The proposed rule change also makes non-substantive changes in these paragraphs to capitalize the defined term Agency Order, consistent with Rule 6.51.

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Act and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of Section 6(b) of the Act.[14] Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5) [15] requirements that the rules of an exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. Additionally, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5) [16] requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

In particular, the Exchange believes that A:AIR functionality makes the Exchange's price improvement mechanisms [sic] easier to use and minimizes the risk of orders being mishandled on the Exchange. The A:AIR functionality provides opportunities for execution of Customer orders that a Participant submits for crossing via AIM that cannot be auctioned. The Exchange believes that this functionality mitigates the risk that inadvertent mishandling of Agency Orders (*i.e.* Customer orders) will cause marketable Customer orders to go unfilled. The Exchange believes that such outcomes serve to protect investors' interests by helping to ensure that ineligible AIM Agency Orders are processed in accordance with customer instructions rather than cancelled. Accordingly, the Exchange believes that the proposed rule change is consistent with the purposes of the Act.

In addition, the Exchange believes that A:AIR functionality promotes competition amongst market participants by allowing more orders to be processed. Finally, the proposed rule change seeks to provide additional clarity and completeness in the Rules regarding functionalities that may be made available on the Exchange. The Exchange is continuously updating the Rules to provide additional detail, clarity, and transparency regarding its operations and trading systems. The Exchange believes that the adoption of detailed, clear, and transparent rules reduces burdens on competition and promotes just and equitable principles of trade.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The Exchange notes that price improvement mechanism enhancements such as A:AIR functionality are widely used across the national options exchanges. The Exchange believes that offering additional functionalities and enhancements to its price improvement mechanisms [sic] promotes intermarket competition. The exchanges have developed these mechanisms in order to provide market participants diverse opportunities to seek valuable price improvement and as a means to compete with one another for order flow. The U.S. options exchanges are continuously making enhancements and adding functionalities to their price improvement mechanisms in order to provide more competitive marketplaces for market participants and better compete with one another. The Exchange believes that enhancements to such mechanisms promote intermarket competition for order flow between the exchanges. A:AIR functionality is simply one of many enhancements that the Exchange has made to AIM for this purpose.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange neither solicited nor received written comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not:

A. Significantly affect the protection of investors or the public interest;

B. impose any significant burden on competition; and

C. become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the Act [17] and Rule 19b–4(f)(6) [18] thereunder. At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission will institute proceedings to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–C2–2016–014 on the subject line.

Paper Comments

- Send paper comments in triplicate to Brent J. Fields, Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

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smart routers are generally all electronic algorithmic systems that may not allow for manual handling of cancelled orders.

[14] 15 U.S.C. 78f(b).

[15] 15 U.S.C. 78f(b)(5).

[16] *Id.*

[17] 15 U.S.C. 78s(b)(3)(A).

[18] 17 CFR 240.19b–4(f)(6).

All submissions should refer to File Number SR–C2–2016–014. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–C2–2016–014, and should be submitted on or before August 31, 2016.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[19]

Robert W. Errett,

Deputy Secretary.

[FR Doc. 2016–18909 Filed 8–9–16; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Investment Company Act Release No. 32208; 812–14661]

TrimTabs ETF Trust, et al.; Notice of Application

August 4, 2016.

AGENCY: Securities and Exchange Commission ("Commission").

ACTION: Notice of an application for an order under section 6(c) of the Investment Company Act of 1940 (the "Act") for an exemption from sections 2(a)(32), 5(a)(1), 22(d), and 22(e) of the Act and rule 22c–1 under the Act, under sections 6(c) and 17(b) of the Act for an exemption from sections 17(a)(1) and 17(a)(2) of the Act, and under section 12(d)(1)(J) for an exemption from sections 12(d)(1)(A) and 12(d)(1)(B) of the Act. The requested order would permit (a) actively-managed series of certain open-end management investment companies ("Funds") to issue shares redeemable in large aggregations only ("Creation Units"); (b) secondary market transactions in Fund shares to occur at negotiated market prices rather than at net asset value ("NAV"); (c) certain Funds to pay redemption proceeds, under certain circumstances, more than seven days after the tender of shares for redemption; (d) certain affiliated persons of a Fund to deposit securities into, and receive securities from, the Fund in connection with the purchase and redemption of Creation Units; (e) certain registered management investment companies and unit investment trusts outside of the same group of investment companies as the Funds ("Funds of Funds") to acquire shares of the Funds; and (f) certain Funds ("Feeder Funds") to create and redeem Creation Units in-kind in a master-feeder structure.

APPLICANTS: TrimTabs ETF Trust (the "Trust"), a Delaware statutory trust that is registered under the Act as an open-end management investment company with multiple series, TrimTabs Asset Management, LLC (the "Initial Adviser"), a Delaware limited liability company registered as an investment adviser under the Investment Advisers Act of 1940, and Foreside Fund Services, LLC (the "Distributor"), a Delaware limited liability company and broker-dealer registered under the Securities Exchange Act of 1934 ("Exchange Act").

FILING DATES: The application was filed on June 8, 2016, and amended on July 1, 2016.

HEARING OR NOTIFICATION OF HEARING: An order granting the requested relief will be issued unless the Commission orders a hearing. Interested persons may request a hearing by writing to the Commission's Secretary and serving applicants with a copy of the request, personally or by mail. Hearing requests should be received by the Commission by 5:30 p.m. on August 29, 2016, and should be accompanied by proof of service on applicants, in the form of an affidavit, or for lawyers, a certificate of service. Pursuant to rule 0–5 under the Act, hearing requests should state the nature of the writer's interest, any facts bearing upon the desirability of a hearing on the matter, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the Commission's Secretary.

ADDRESSES: Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090; Applicants: The Trust and the Initial Adviser, 1345 Avenue of the Americas, Fl. 2, New York, NY 10105; the Initial Distributor, 3 Canal Plaza, Suite 100, Portland, ME 04101.

FOR FURTHER INFORMATION CONTACT: Hae-Sung Lee, Attorney-Adviser, at (202) 551–7345, or Mary Kay Frech, Branch Chief, at (202) 551–6821 (Division of Investment Management, Chief Counsel's Office).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained via the Commission's Web site by searching for the file number, or for an applicant using the Company name box, at *http://www.sec.gov/search/search.htm* or by calling (202) 551–8090.

Summary of the Application

1. Applicants request an order that would allow Funds to operate as actively-managed exchange traded funds ("ETFs").[1] Fund shares will be purchased and redeemed at their NAV in Creation Units only. All orders to purchase Creation Units and all redemption requests will be placed by or through an "Authorized Participant", which will have signed a participant agreement with the Distributor. Shares will be listed and traded individually on a national securities exchange, where share prices will be based on the current bid/offer market. Certain Funds may operate as Feeder Funds in a master-feeder structure. Any order granting the requested relief would be subject to the terms and conditions stated in the application.

2. Each Fund will consist of a portfolio of securities and other assets and investment positions ("Portfolio Holdings"). Each Fund will disclose on its Web site the identities and quantities of the Portfolio Holdings that will form

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[19] 17 CFR 200.30–3(a)(12).

[1] Applicants request that the order apply to an initial series and any future series of the Trust offering exchange-traded Shares, as well as other existing or future open-end management companies or existing or future series thereof offering exchange-traded Shares (and their respective existing or future Master Funds, as defined below) that may utilize active management investment strategies (collectively, "Future Funds"). Any Future Fund will (a) be advised by the Initial Adviser or an entity controlling, controlled by, or under common control with the Initial Adviser (each, an "Adviser"), and (b) comply with the terms and conditions of the application.

the basis for the Fund's calculation of NAV at the end of the day.

3. Shares will be purchased and redeemed in Creation Units and generally on an in-kind basis. Except where the purchase or redemption will include cash under the limited circumstances specified in the application, purchasers will be required to purchase Creation Units by depositing specified instruments ("Deposit Instruments"), and shareholders redeeming their shares will receive specified instruments ("Redemption Instruments"). The Deposit Instruments and the Redemption Instruments will each correspond pro rata to the positions in the Fund's portfolio (including cash positions) except as specified in the application.

4. Because shares will not be individually redeemable, applicants request an exemption from section 5(a)(1) and section 2(a)(32) of the Act that would permit the Funds to register as open-end management investment companies and issue shares that are redeemable in Creation Units only.

5. Applicants also request an exemption from section 22(d) of the Act and rule 22c–1 under the Act as secondary market trading in shares will take place at negotiated prices, not at a current offering price described in a Fund's prospectus, and not at a price based on NAV. Applicants state that (a) secondary market trading in shares does not involve a Fund as a party and will not result in dilution of an investment in shares, and (b) to the extent different prices exist during a given trading day, or from day to day, such variances occur as a result of third-party market forces, such as supply and demand. Therefore, applicants assert that secondary market transactions in shares will not lead to discrimination or preferential treatment among purchasers. Finally, applicants represent that share market prices will be disciplined by arbitrage opportunities, which should prevent shares from trading at a material discount or premium from NAV.

6. With respect to Funds that hold non-U.S. Portfolio Holdings and that effect creations and redemptions of Creation Units in kind, applicants request relief from the requirement imposed by section 22(e) in order to allow such Funds to pay redemption proceeds within fifteen calendar days following the tender of Creation Units for redemption. Applicants assert that the requested relief would not be inconsistent with the spirit and intent of section 22(e) to prevent unreasonable, undisclosed or unforeseen delays in the actual payment of redemption proceeds.

7. Applicants request an exemption to permit Funds of Funds to acquire Fund shares beyond the limits of section 12(d)(1)(A) of the Act; and the Funds, and any principal underwriter for the Funds, and/or any broker or dealer registered under the Exchange Act, to sell shares to Funds of Funds beyond the limits of section 12(d)(1)(B) of the Act. The application's terms and conditions are designed to, among other things, help prevent any potential (i) undue influence over a Fund through control or voting power, or in connection with certain services, transactions, and underwritings, (ii) excessive layering of fees, and (iii) overly complex fund structures, which are the concerns underlying the limits in sections 12(d)(1)(A) and (B) of the Act.

8. Applicants request an exemption from sections 17(a)(1) and 17(a)(2) of the Act to permit persons that are Affiliated Persons, or Second Tier Affiliates, of the Funds, solely by virtue of certain ownership interests, to effectuate purchases and redemptions in-kind. The deposit procedures for in-kind purchases of Creation Units and the redemption procedures for in-kind redemptions of Creation Units will be the same for all purchases and redemptions and Deposit Instruments and Redemption Instruments will be valued in the same manner as those Portfolio Holdings currently held by the Funds. Applicants also seek relief from the prohibitions on affiliated transactions in section 17(a) to permit a Fund to sell its shares to and redeem its shares from a Fund of Funds, and to engage in the accompanying in-kind transactions with the Fund of Funds.[2] The purchase of Creation Units by a Fund of Funds directly from a Fund will be accomplished in accordance with the policies of the Fund of Funds and will be based on the NAVs of the Funds.

9. Applicants also request relief to permit a Feeder Fund to acquire shares of another registered investment company managed by the Adviser having substantially the same investment objectives as the Feeder Fund ("Master Fund") beyond the limitations in section 12(d)(1)(A) and permit the Master Fund, and any principal underwriter for the Master Fund, to sell shares of the Master Fund to the Feeder Fund beyond the limitations in section 12(d)(1)(B).

10. Section 6(c) of the Act permits the Commission to exempt any persons or transactions from any provision of the Act if such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act. Section 12(d)(1)(J) of the Act provides that the Commission may exempt any person, security, or transaction, or any class or classes of persons, securities, or transactions, from any provision of section 12(d)(1) if the exemption is consistent with the public interest and the protection of investors. Section 17(b) of the Act authorizes the Commission to grant an order permitting a transaction otherwise prohibited by section 17(a) if it finds that (a) the terms of the proposed transaction are fair and reasonable and do not involve overreaching on the part of any person concerned; (b) the proposed transaction is consistent with the policies of each registered investment company involved; and (c) the proposed transaction is consistent with the general purposes of the Act.

For the Commission, by the Division of Investment Management, under delegated authority.

Robert W. Errett,

Deputy Secretary.

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–78480; File No. SR–NASDAQ–2016–097]

Self-Regulatory Organizations; The NASDAQ Stock Market LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Related to Detection of Loss of Connection

August 4, 2016.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),[1] and Rule 19b-4 thereunder,[2] notice is hereby given that on July 28, 2016, The NASDAQ Stock Market LLC ("Nasdaq" or "Exchange") filed with the Securities and Exchange Commission ("SEC" or "Commission") the proposed rule change as described in Items I and II, below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

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[2] The requested relief would apply to direct sales of shares in Creation Units by a Fund to a Fund of Funds and redemptions of those shares. Applicants, moreover, are not seeking relief from section 17(a) for, and the requested relief will not apply to, transactions where a Fund could be deemed an Affiliated Person, or a Second-Tier Affiliate, of a Fund of Funds because an Adviser or an entity controlling, controlled by or under common control with an Adviser provides investment advisory services to that Fund of Funds.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend NASDAQ Options Market LLC's ("NOM") Rules at Chapter VI, Section 6, entitled "Acceptance of Quotes and Orders" to adopt functionality which is designed to assist NOM Participants, hereinafter "Participants," in the event that they lose communication with their assigned Financial Information eXchange ("FIX"),[3] Specialized Quote Feed ("SQF"),[4] or Ouch to Trade Options ("OTTO") [5] Ports due to a loss of connectivity.

The text of the proposed rule change is available on the Exchange's Web site at *http://nasdaq.cchwallstreet.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend Chapter VI, Section 6, entitled "Acceptance of Quotes and Orders" to adopt a new section "(e)" entitled "Detection of Loss of Connection," a new automated process which NOM proposes to adopt for its SQF,[6] FIX and OTTO Ports in the event that they lose communication with a Client Application due to a loss of connectivity. This feature is designed to protect NOM Options Market Makers [7] and other market participants from inadvertent exposure to excessive risk.

By way of background, Participants currently enter quotes and orders utilizing either an SQF, FIX or OTTO Port. SQF is utilized by NOM Options Market Makers. FIX and OTTO are available to all market participants. These ports are System [8] components through which a Participant communicates its quotes and/or orders to the NOM match engine through the Participant's Client Application.

Under the proposed rule change, an SQF Port would be defined as the Exchange's System component through which Participants communicate their quotes from the Client Application at proposed Chapter VI, Section 6(e)(i)(B). FIX and OTTO Ports would be defined as the Exchange's System components through which Participants communicate their orders from the Client Application at proposed Chapter VI, Section 6(e)(i)(C). NOM Options Market Makers may submit quotes to the Exchange from one or more SQF Ports.

Similarly, market participants may submit orders to the Exchange from one or more FIX and/or OTTO Ports. The proposed removal feature will be mandatory for each NOM Market Makers utilizing SQF for the removal of quotes and optional for any market participant utilizing FIX and OTTO for the removal of orders.

When the SQF Port detects the loss of communication with a Participant's Client Application because the Exchange's server does not receive a Heartbeat message [9] for a certain period of time ("nn" seconds), the Exchange will automatically logoff the Participant's affected Client Application and automatically cancel all of the Participant's open quotes. Quotes will be cancelled across all Client Applications that are associated with the same NOM Market Makers ID and underlying issues.

The Exchange proposes to define "Client Application" as the System component of the Participant through which the Exchange Participant communicates its quotes and orders to the Exchange at proposed Chapter VI, Section 6(e)(i)(D). The Exchange proposes to define a "Heartbeat" message as a communication that acts as a virtual pulse between the SQF, FIX or OTTO Port and the Client Application at proposed Chapter VI, Section 6(e)(i)(A). The Heartbeat message sent by the Participant and subsequently received by the Exchange allows the SQF, FIX or OTTO Port to continually monitor its connection with the Participant.

SQF Ports

The Exchange's System has a default time period, which will trigger a disconnect from the Exchange and remove quotes, set to fifteen (15) seconds for SQF Ports. A Participant may change the default period of "nn" seconds of no technical connectivity to trigger a disconnect from the Exchange and remove quotes to a number between one hundred (100) milliseconds and 99,999 milliseconds for SQF Ports prior to each session of connectivity to the Exchange. This feature is enabled for each NOM Market Makers and may not be disabled.

There are two ways to change the number of "nn" seconds: (1) systemically or (2) by contacting the Exchange's operations staff. If the Participant systemically changes the default number of "nn" seconds, that new setting shall be in effect throughout the current session of connectivity [10] and will then default back to fifteen seconds.[11] The Participant may change the default setting systemically prior to each session of connectivity. The Participant may also communicate the time to the Exchange by calling the Exchange's operations staff. If the time period is communicated to the

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[3] FIX permits the entry of orders.

[4] SQF permits the transmission of quotes to the Exchange by a NOM Market Maker using its Client Application.

[5] OTTO permits the transmission of orders to the Exchange by a Participant. Immediate or cancel orders will not be cancelled pursuant to this Chapter VI, Section 6 because, by definition, these orders will cancel if not executed. All Participants have the ability to utilize OTTO. Orders submitted by NOM Market Makers over this interface will be treated as quotes.

[6] Today, SQF, FIX and OTTO have the capability to cancel quotes and orders respectively. The rule change would adopt a formalized process to automatically disconnect and cancel quotes for SQF and offer the opportunity to cancel orders for FIX and OTTO in addition to a disconnect if elected, when there is a loss of communication with the Participant's Client Application. The Exchange is formalizing the process within Chapter VI, Section 6(e).

[7] The term "Nasdaq Options Market Maker" or "Options Market Maker" (herein "NOM Market Maker") means an Options Participant registered with the Exchange for the purpose of making markets in options contracts traded on the Exchange and that is vested with the rights and responsibilities specified in Chapter VII of these Rules. *See* NOM Rules at Chapter I, Section 1(a)(26).

[8] The term "System" shall mean the automated system for order execution and trade reporting owned and operated by NOM as the NOM Options market. *See* Chapter VI, Section 1(a).

[9] It is important to note that the Exchange separately sends a connectivity message to the Participant as evidence of connectivity.

[10] Each time the Participant connects to the Exchange's System is a new period of connectivity. For example, if the Participant were to connect and then disconnect within a trading day several times, each time the Participant disconnected the next session would be a new session of connectivity.

[11] The Exchange's System would capture the new setting information that was changed by the Participant and utilize the amended setting for that particular session. The setting would not persist beyond the current session of connectivity and the setting would default back to 15 seconds for the next session if the Participant did not change the setting again.

Exchange by calling Exchange operations, the number of "nn" seconds selected by the Participant shall persist for each subsequent session of connectivity until the Participant either contacts Exchange operations and changes the setting or the Participant systemically selects another time period prior to the next session of connectivity.

FIX Ports

The Exchange's System has a default time period, which will trigger a disconnect from the Exchange and remove orders, set to thirty (30) seconds for FIX Ports. The Participant may disable the removal of orders feature but not the disconnect feature. If the Participant elects to have its orders removed, in addition to the disconnect, the Participant may determine a time period of no technical connectivity to trigger the disconnect and removal of orders between (1) second and thirty (30) seconds for FIX Ports prior to each session of connectivity to the Exchange.

There are two ways to change the number of "nn" seconds: (1) systemically or (2) by contacting the Exchange's operations staff. If the Participant systemically changes the default number of "nn" seconds, that new setting shall be in effect throughout that session of connectivity and will then default back to thirty seconds at the end of that session. The Participant may change the default setting systemically prior to each session of connectivity. The Participant may also communicate the time to the Exchange by calling the Exchange's operations staff. If the time period is communicated to the Exchange by calling Exchange operations, the number of "nn" seconds selected by the Participant shall persist for each subsequent session of connectivity until the Participant either contacts Exchange operations and changes the setting or the Participant systemically selects another time period prior to the next session of connectivity.

Similar to SQF Ports, when a FIX Port detects the loss of communication with a Participant's Client Application for a certain time period ("nn" seconds), the Exchange will automatically logoff the Participant's affected Client Application and if elected, automatically cancel all open orders. The Participant may have an order which has routed away prior to the cancellation, in the event that the order returns to the Order Book, because it was either not filled or partially filled, that order will be subsequently cancelled.

The disconnect feature is mandatory for FIX users, however the user has the ability to elect to also enable a removal feature, which will cancel all open orders submitted through that FIX Port. If the removal of orders feature is not enabled, the System will simply disconnect the FIX user and not cancel any orders. The FIX user would have to commence a new session to add, modify or cancel its orders once disconnected.

OTTO Ports

The Exchange's System has a default time period, which will trigger a disconnect from the Exchange and remove orders, set to fifteen (15) seconds for OTTO Ports. The Participant may disable the removal of orders feature but not the disconnect feature. If the Participant elects to have its orders removed, in addition to the disconnect, the Participant may determine a time period of no technical connectivity to trigger the disconnect and removal of orders between one hundred (100) milliseconds and 99,999 milliseconds.

There are two ways to change the number of "nn" seconds: (1) systemically or (2) by contacting the Exchange's operations staff. If the Participant systemically changes the default number of "nn" seconds, that new setting shall be in effect throughout that session of connectivity and will then default back to fifteen seconds at the end of that session. The Participant may change the default setting systemically prior to each session of connectivity. The Participant may also communicate the time to the Exchange by calling the Exchange's operations staff. If the time period is communicated to the Exchange by calling Exchange operations, the number of "nn" seconds selected by the Participant shall persist for each subsequent session of connectivity until the Participant either contacts Exchange operations and changes the setting or the Participant systemically selects another time period prior to the next session of connectivity.

Similar to SQF and FIX Ports, when an OTTO Port detects the loss of communication with a Participant's Client Application for a certain time period ("nn" seconds), the Exchange will automatically logoff the Participant's affected Client Application and if elected, automatically cancel all open orders. The Participant may have an order which has routed away prior to the cancellation; in the event that the order returns to the Order Book, because it was either not filled or partially filled, that order will be subsequently cancelled.

The disconnect feature is mandatory for OTTO users however the user has the ability to elect to also enable a removal feature, which will cancel all open orders submitted through that OTTO Port. If the removal of orders feature is not enabled, the System will simply disconnect the OTTO user and not cancel any orders. The OTTO user would have to commence a new session to add, modify or cancel its orders once disconnected.

The trigger for the SQF, FIX and OTTO Ports is event and Client Application specific. The automatic cancellation of the NOM Market Maker's quotes for SQF Ports and open orders, if elected by the Participant for FIX and OTTO Ports entered into the respective SQF, FIX or OTTO Ports via a particular Client Application will neither impact nor determine the treatment of the quotes of other NOM Market Makers entered into SQF Ports or orders of the same or other Participants entered into FIX or OTTO Ports via a separate and distinct Client Application.

In other words, with respect to quotes, each NOM Market Maker only maintains one quote in a given option in the order book. A new quote would replace the existing quote. Orders on the other hand do not replace each other in the order book as multiple orders may exist in a given option at once. Therefore, the difference in the impact between NOM Market Makers submitting quotes and Participants submitting orders is that quotes may continue to be submitted and/or refreshed by unaffected NOM Market Makers because these market participants are cancelled based on ID when an SQF Port disconnects, whereas all of the open orders submitted by a given firm will be impacted when a FIX or OTTO port disconnects, if the firm elected to have orders cancelled.

The Exchange will issue an Options Trader Alert advising Participants on the manner in which they should communicate the number of "nn" seconds to the Exchange for SQF, FIX and OTTO Ports.

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act,[12] in general, and furthers the objectives of Section 6(b)(5) of the Act,[13] in particular, in that it is designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general to protect investors and the public interest, by offering removal functionality for NOM Market Makers as well as all other market participants to prevent disruption in the marketplace and also offering this removal feature to other market participants.

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[12] 15 U.S.C. 78f(b).

[13] 15 U.S.C. 78f(b)(5).

NOM Market Makers will be required to utilize removal functionality with respect to SQF Ports. This feature will remove impediments to and perfect the mechanism of a free and open market and a national market system and protect investors and the public interest by requiring NOM Market Makers quotes to be removed in the event of a loss of connectivity with the Exchange's System. NOM Market Makers provide liquidity to the market place and have obligations unlike other market participants.[14] This risk feature for SQF is important because it will enable NOM Market Makers to avoid risks associated with inadvertent executions in the event of a loss of connectivity with the Exchange. The proposed rule change is designed to not permit unfair discrimination among market participants, as it would apply uniformly to all NOM Market Makers utilizing SQF.

Utilizing a time period for SQF Ports of fifteen (15) seconds and permitting the NOM Market Makers to modify the setting to between 100 milliseconds and 99,999 milliseconds is consistent with the Act because the Exchange does not desire to trigger unwarranted logoffs of Participants and therefore allows Participants the ability to set their time in order to enable the Exchange the authority to disconnect the Participant with this feature. Each NOM Market Makers has different levels of sensitivity with respect to this disconnect setting and each NOM Market Makers has their own system safeguards as well. A default setting of fifteen (15) seconds is appropriate to capture the needs of all NOM Market Makers and high enough not to trigger unwarranted removal of quotes.

Further, NOM Market Makers are able to customize their setting. The Exchange's proposal to permit a timeframe for SQF Ports between 100 milliseconds and 99,999 milliseconds is consistent with the Act and the protection of investors because the purpose of this feature is to mitigate the risk of potential erroneous or unintended executions associated with a loss in communication with a Client Application. Participants are able to better anticipate the appropriate time within which they may require prior to a logoff as compared to the Exchange. The Participant is being offered a timeframe by the Exchange within which to select the appropriate time. The Exchange does not desire to trigger unwarranted logoffs of Participants and therefore permits Participants to provide an alternative time to the Exchange, within the Exchange's prescribed timeframe, which authorized the Exchange to disconnect the Participant. The "nn" seconds serve as the Participant's instruction to the Exchange to act upon the loss of connection and remove quotes from the System. This range will accommodate Participants in selecting their appropriate times within the prescribed timeframes.

Also, NOM Market Makers have quoting obligations[15] and are more sensitive to price movements as compared to other market participants. It is consistent with the Act to provide a wider timeframe within which to customize settings for FIX Ports as compared to SQF Ports. NOM Market Makers need to remain vigilant of market conditions and react more quickly to market movements as compared to other Participants entering orders into the System. The proposal acknowledges this sensitivity borne by NOM Market Makers and reflects the reaction time of NOM Market Makers as compared to Participants entering orders. Of note, the proposed customized timeframe for FIX would be too long for NOM Market Makers given their quoting requirements and sensitivity to price movements. NOM Market Makers would be severely impacted by a loss of connectivity of more than several seconds. The NOM Market Makers would have exposure during the time period in which they are unable to manage their quote and update that quote. The Participant is best positioned to determine its setting.

The Exchange's proposal is further consistent with the Act because it will mitigate the risk of potential erroneous or unintended executions associated with a loss in communication with a Client Application which protects investors and the public interest. Also, any interest that is executable against a NOM Market Maker's quotes that is received[16] by the Exchange prior to the trigger of the disconnect to the Client Application, which is processed by the System, automatically executes at the price up to the NOM Market Maker's size. In other words, the System will process the request for cancellation in the order it was received by the System.

The System operates consistently with the firm quote obligations of a broker-dealer pursuant to Rule 602 of Regulation NMS. Specifically, with respect to NOM Market Makers, their obligation to provide continuous two-sided quotes on a daily basis is not diminished by the removal of such quotes triggered by the disconnect. NOM Market Makers are required to provide continuous two-sided quotes on a daily basis.[17] NOM Market Makers will not be relieved of the obligation to provide continuous two-sided quotes on a daily basis, nor will it prohibit the Exchange from taking disciplinary action against a NOM Market Makers for failing to meet the continuous quoting obligation each trading day as a result of disconnects.

The proposal to permit NOM Market Makers to amend the default setting at the beginning of each session of connectivity is consistent with the Act because it avoids unwarranted logoffs of Participants and provides Participants the opportunity to set a time, within the prescribed timeframe, to authorize the Exchange to disconnect the Participant.

Today, NASDAQ PHLX LLC ("Phlx") and NASDAQ BX, INC. ("BX") offer its market makers a similar feature to the one proposed by the Exchange for the automatic removal of quotes when connectivity issues arise.[18] Phlx and BX have identical rules to the NOM proposal for SQF Ports.

With respect to FIX Ports,[19] the Exchange will offer an optional removal functionality to all market participants. Offering the FIX removal feature on a voluntary basis to all other non-Market Maker Participants is consistent with the Act because it permits them an opportunity to utilize this risk feature, if desired, and avoid risks associated with inadvertent executions in the event of a loss of connectivity with the Exchange. The removal feature is designed to mitigate the risk of missed and/or unintended executions associated with a loss in communication with a Client Application.

The proposed rule change is designed to not permit unfair discrimination among market participants, as this removal feature will be offered uniformly to all Participants utilizing FIX. The Exchange will not require OTTO users to utilize the removal feature for orders similar to FIX. The disconnect feature for FIX is mandatory, however market participants will have the option to either enable or disable the removal feature, which would result in the cancellation of all orders submitted over a FIX port when such port disconnects. It is appropriate to offer this removal feature as optional to all market participants utilizing FIX because these market participants may not bear the same magnitude of risk of potential erroneous or unintended executions.[20] In addition, market participants utilizing FIX may desire their orders to remain on the order book despite a technical disconnect, so as not to miss any opportunities for execution of such orders while the FIX session is disconnected. The Exchange will disconnect Participants from the Exchange and not cancel its orders if the removal feature is disabled for FIX. The disconnect feature is mandatory and will cause the Participant to be disconnected within the default timeframe or the timeframe otherwise specified by the Participant.

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[14] Pursuant to NOM Rules at Chapter VII, Section 5, entitled "Obligations of NOM Options Market Makers", in registering as a market maker, an Options Participant commits himself to various obligations. Transactions of a NOM Options Market Makers must constitute a course of dealings reasonably calculated to contribute to the maintenance of a fair and orderly market, and NOM Options Market Makers should not make bids or offers or enter into transactions that are inconsistent with such course of dealings. Further, all NOM Options Market Makers are designated as specialists on NOM for all purposes under the Act or rules thereunder. *See* Chapter VII, Section 5.

[15] *See* note 14 above.

[16] The time of receipt for an order or quote is the time such message is processed by the Exchange book.

[17] *See* note 14 above.

[18] *See* Phlx Rule 1019(c) and BX Rule at Chapter VI, Section 6(e).

[19] OTTO ports may be utilized today by non-NOM Market Makers. The removal functionality remains optional for non-NOM Market Makers similar to FIX.

This feature is consistent with the Act because it enables FIX or OTTO users, particularly non-Market Maker OTTO users, the ability to disconnect from the Exchange, assess the situation and make a determination concerning their risk exposure. The Exchange notes that in the event that orders need to be removed, the Participant may elect to utilize the Kill Switch[21] feature. It is consistent with the Act to require other market participants to be disconnected because the Participant is otherwise not connected to the Exchange's System and the Participant simply needs to reconnect to commence submitting and cancelling orders. Requiring a disconnect when a loss of communication is detected is a rational course of action for the Exchange to alert the Participant of the technical connectivity issue.

The Exchange's proposal to set a default timeframe of thirty (30) seconds for FIX and permit a FIX user to customize their timeframe between 1 second and 30 seconds for the removal of orders is consistent with the Act and the protection of investors because the purpose of this optional feature is to mitigate the risk of potential erroneous or unintended executions associated with a loss in communication with a Client Application. Participants selecting the removal feature are able to better anticipate the appropriate time that they require prior to a logoff as compared to the Exchange, within the Exchange's prescribed timeframes.

The Exchange does not desire to trigger unwarranted logoffs of Participants and therefore permits Participants to provide a time to the Exchange, within the Exchange's prescribed timeframe, to authorize the Exchange to disconnect the Participant and remove orders. The "nn" seconds serve as the Participant's instruction to the Exchange to act upon the loss of connection and remove orders from the System. The Participant is also best positioned to determine that it only desires the disconnect feature, which is mandatory, and not the removal feature.

The Exchange's proposal to offer FIX users the removal feature on a voluntary basis is similar to Phlx and BX.[22] Both Phlx and BX have identical rules regarding FIX and a loss of communication as proposed for NOM.

The proposed timeframe for the FIX feature is consistent with the Act because the Exchange seeks to provide its Participants with the ability to select the amount of time that they desire for a loss of communication prior to taking action to cancel open orders or simply disconnect. The Participant should have the ability to select the appropriate time, within a prescribed timeframe, for authorizing the Exchange to cancel its open orders or simply disconnect from the Exchange. Inadvertent cancellations may create a greater risk of harm to investors and the Participant is better positioned to determine the appropriate time, with the prescribed timeframe, to remove orders or disconnect.

With respect to OTTO Ports, the Exchange notes that it offers OTTO to all market participants, not just NOM Market Makers. Similar to SQF, the Exchange desires to utilize the 15 second default with the ability to customize the setting to permit a timeframe between 100 milliseconds and 99,999 milliseconds. The Exchange believes that it is consistent with the Act to utilize the shorter timeframe of 15 seconds as compared to the 30 second timeframe for FIX because today, OTTO is utilized solely by NOM Market Makers, although it is offered to all Participants. OTTO orders submitted by NOM Market Makers over this interface are treated as quotes for purposes of compiling with quoting obligations.

As noted previously, NOM Market Makers have quoting obligations[23] and are more sensitive to price movements as compared to other market participants. NOM Market Makers need to remain vigilant of market conditions and react more quickly to market movements as compared to other Participants entering orders into the System. The proposal acknowledges this sensitivity borne by NOM Market Makers and reflects the reaction time of NOM Market Makers as compared to Participants entering orders. NOM Market Makers would be severely impacted by a loss of connectivity of more than several seconds. The NOM Market Makers would have exposure during the time period in which they are unable to manage their quote and update that quote. The Participant is best positioned to determine its setting. Also, the Exchange desires to offer NOM Market Makers the ability to have SQF quotes and OTTO orders removed with the same timeframes in order that NOM Market Makers may attend to all open interest in a similar manner with this risk feature.

The Exchange notes that offering the shorter timeframe, despite the fact that non-Market Maker Participants are utilizing this feature is also consistent with the Act because the removal feature will not be mandatory. The disconnect feature for OTTO will be mandatory, however market participants will have the option to either enable or disable the removal feature, which would result in the cancellation of all orders submitted over an OTTO Port when such port disconnects. NOM Market Makers will be able to set a similar timeframe for both SQF and OTTO to ensure all open interest is removed simultaneously.

The Exchange believes that it is consistent with the Act to permit OTTO users to disable the removal feature, similar to FIX, because the Exchange does not desire to require non-Market Maker Participants to have orders removed on mandatory basis. While the Exchange believes that this risk feature will mitigate the risk of potential erroneous or unintended executions associated with a loss in communication with a Client Application which protects investors and the public interest, as noted above, Participants are able to better anticipate the appropriate time within which they may require prior to a logoff as compared to the Exchange.

The Exchange does not desire to trigger unwarranted logoffs of Participants and therefore permits

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[20] NOM Market Makers utilizes both SQF and OTTO and would be subject to quoting obligations.

[21] *See* NOM Rule at Chapter VI, Section 6(d). The Kill Switch would impact all three protocols, SQF, FIX and OTTO.

[22] *See* Phlx Rule 1019(c) and BX Rule at Chapter VI, Section 6(e).

[23] *See* note 14 above.

Participants to provide an alternative time to the Exchange, within the Exchange's prescribed timeframe, which authorized the Exchange to disconnect the Participant. The "nn" seconds serve as the Participant's instruction to the Exchange to act upon the loss of connection and remove quotes from the System. This range will accommodate Participants in selecting their appropriate times within the prescribed timeframes.

The Exchange believes this hybrid approach will permit NOM Market Makers to synchronize the removal of their SQF quotes and OTTO orders,[24] while still permitting non-Market Maker Participants the ability to choose to enable the risk feature. OTTO is not available on either Phlx or BX, so the OTTO feature is not similar to those markets, rather, as mentioned, it is a hybrid approach.

It is appropriate to offer this removal feature as optional to all Participants utilizing OTTO, who may not be required to provide quotes in all products in which they are registered. Non-Market Maker Participants utilizing OTTO may not bear the same magnitude of risk of potential erroneous or unintended executions as NOM Market Makers. In addition, non-Market Maker Participants utilizing OTTO may desire their orders to remain on the order book despite a technical disconnect, so as not to miss any opportunities for execution of such orders while the OTTO session is disconnected. OTTO is similar to FIX on Phlx and BX because it offers market participants, on a voluntary basis, the ability to cancel orders when a technical disconnect occurs.[25]

The Exchange's default timeframe for the disconnect and removal of orders for OTTO is 15 seconds with the ability to modify that timeframe to between 100 milliseconds and 99,999 milliseconds, on a session by session basis. This timeframe is similar to the SQF timeframe offered by Phlx and BX today.[26] Similar to FIX on Phlx and BX today, OTTO users may choose to enable or disable the removal feature when a disconnect occurs. The proposed timeframe for the OTTO feature is consistent with the Act because the Exchange seeks to provide its Participants with the ability to select the amount of time that they desire for a loss of communication prior to taking action to cancel open orders or simply disconnect.

The Exchange notes that Participants are free to select the protocols with which they desire to access NOM. The Exchange does not require Participants to utilize more than one protocol to access NOM. The proposed rule change will help maintain a fair and orderly market which promotes efficiency and protects investors. This mandatory removal feature for NOM Market Makers using SQF and optional removal for all market participants using FIX or OTTO will mitigate the risk of potential erroneous or unintended executions associated with a loss in communication with a Client Application.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. Specifically, the Exchange does not believe the proposed rule change will cause an undue burden on intra-market competition because NOM Market Makers, unlike other market participants, have greater risks in the market place. Quoting across many series in an option creates large principal positions that expose NOM Market Makers, who are required to continuously quote in assigned options, to potentially significant market risk.

Providing a broader timeframe for the disconnect and removal of orders for FIX as compared to the disconnect and removal of quotes for SQF Ports does not create an undue burden on competition. NOM Market Makers have quoting obligations[27] and are more sensitive to price movements as compared to other market participants. The proposal does not impose an undue burden on intra-market competition because it provides a tighter timeframe for the disconnect and removal of quotes for SQF Ports as compared to the disconnect and removal of orders, if enabled, for FIX Ports. NOM Market Makers need to remain vigilant of market conditions and react more quickly to market movements as compared to other Participants entering multiple orders into the System.

The proposal reflects this sensitivity borne by NOM Market Makers and reflects the reaction time of NOM Market Makers as compared to other Participants entering orders. Offering the removal feature to other market participants on an optional basis for FIX and OTTO users does not create an undue burden on intra-market competition because unlike NOM Market Makers, other market participants do not bear the same risks of potential erroneous or unintended executions. FIX users have the opportunity to disable the removal feature and simply disconnect from the Exchange. FIX users may also set a timeframe that is appropriate for their business. It is appropriate to offer this optional cancellation functionality to other market participants for open orders, because those orders are subject to risks of missed and/or unintended executions due to a lack of connectivity which the Participants need to weigh.

Today, OTTO is utilized solely by NOM Market Makers, although it is offered to all Participants. OTTO Orders submitted by NOM Market Makers over this interface are treated as quotes for purposes of compiling with quoting obligations. NOM Market Makers have quoting obligations[28] and are more sensitive to price movements as compared to other market participants. NOM Market Makers need to remain vigilant of market conditions and react more quickly to market movements as compared to other Participants entering orders into the System. For this reason, the proposal does not impose an undue burden on intra-market competition because the proposal acknowledges this sensitivity borne by NOM Market Makers and reflects the reaction time of NOM Market Makers as compared to Participants entering orders. As noted, NOM Market Makers would be severely impacted by a loss of connectivity of more than several seconds. NOM Market Makers would have exposure during the time period in which they are unable to manage their quote and update that quote.

The Exchange's proposal offers NOM Market Makers the ability to have SQF and OTTO orders removed within the same timeframes in order that NOM Market Makers may attend to all open interest in a similar manner with this risk feature. The Exchange notes that offering the shorter timeframe, despite the fact that non-Market Maker Participants may utilize this feature does not impose an undue burden on intra-market competition because the removal feature will not be mandatory. The disconnect feature for OTTO will be mandatory, however market participants will have the option to either enable or disable removal feature, which would result in the cancellation of all orders submitted over an OTTO Port when such port disconnects.

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[24] NOM Market Makers may utilize both SQF and OTTO.

[25] *See* Phlx Rule 1019(c) and BX Rule at Chapter VI, Section 6(e).

[26] *Id.*

[27] *See* note 14 above.

[28] *See* note 14 above.

The Exchange believes that it does not impose an undue burden on intra-market competition to permit OTTO users to disable the removal feature, similar to FIX, because the Exchange does not desire to require non-Market Maker Participants to have orders removed on mandatory basis. While the Exchange believes that this risk feature will mitigate the risk of potential erroneous or unintended executions associated with a loss in communication with a Client Application which protects investors and the public interest, as noted above, Participants are able to better anticipate the appropriate time within which they may require prior to a logoff as compared to the Exchange.

The Exchange does not desire to trigger unwarranted logoffs of Participants and therefore permits Participants to provide an alternative time to the Exchange, within the Exchange's prescribed timeframe, which authorized the Exchange to disconnect the Participant. This hybrid approach will permit NOM Market Makers to synchronize the removal of their SQF quotes and OTTO orders, while still permitting non-NOM Market Makers the ability to choose to enable the risk feature.

Finally, the Exchange does not believe that such change will impose any burden on inter-market competition that is not necessary or appropriate in furtherance of the purposes of the Act. Other options exchanges offer similar functionality.[29]

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (i) significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A)(iii) of the Act[30] and subparagraph (f)(6) of Rule 19b–4 thereunder.[31]

A proposed rule change filed under Rule 19b–4(f)(6) normally does not become operative for 30 days from the date of filing. However, Rule 19b–4(f)(6)(iii)[32] permits the Commission to designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has asked the Commission to waive the 30-day operative delay so that it may immediately offer the proposed risk protection feature. The Commission believes that waiving the 30-day operative delay is consistent with the protection of investors and the public interest. The Exchange proposes to adopt a functionality designed to assist Participants with managing certain risks in the event that a Participant loses communication with its FIX, SQF, or OTTO Ports due to a loss of connectivity. The Commission notes that other options exchanges currently have similar risk protection functionalities for their members.[33] Therefore, the Commission hereby waives the 30-day operative delay and designates the proposal operative upon filing.[34] At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–NASDAQ–2016–097 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–NASDAQ–2016–097. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml).* Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NASDAQ–2016–097 and should be submitted on or before August 31, 2016.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[35]

Robert W. Errett,

Deputy Secretary.

[FR Doc. 2016–18911 Filed 8–9–16; 8:45 am]

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[29] *See* BOX's Rule 8140, CBOE's Rule 6.23C, Phlx Rule 1019(c) and BX Rule at Chapter VI, Section 6(e).

[30] 15 U.S.C. 78s(b)(3)(a)(iii).

[31] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

[32] 17 CFR 240.19b–4(f)(6)(iii).

[33] *See* Phlx Rule 1019(c) and BX Rule at Chapter VI, Section 6(e).

[34] For purposes only of waiving the 30-day operative delay, the Commission has also considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[35] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–78481; File No. SR–IEX–2016–07]

Self-Regulatory Organizations; Investors Exchange LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Adopt Rule 11.340(b) To Set Forth the Requirements for the Collection and Transmission of Data Pursuant to the Regulation NMS Plan To Implement a Tick Size Pilot Program

August 4, 2016.

Pursuant to section 19(b)(1)[1] of the Securities Exchange Act of 1934 (the "Act")[2] and Rule 19b–4 thereunder,[3] notice is hereby given that, on July 28, 2016, the Investors Exchange LLC ("IEX" or the "Exchange") filed with the Securities and Exchange Commission (the "Commission") the proposed rule change as described in Items I and II below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Pursuant to the provisions of section 19(b)(1) under the Securities Exchange Act of 1934 ("Act"), and Rule 19b–4 thereunder, Investors Exchange LLC ("IEX" or "Exchange") is filing with the Securities and Exchange Commission ("Commission") a proposed rule change to amend Rule 11.340, which is currently reserved, to implement the Regulation NMS Plan to Implement a Tick Size Pilot Program ("Plan"). Specifically, the Exchange proposes to adopt Rule 11.340(b) to set forth the requirements for the collection and transmission of data pursuant to Appendices B and C of the Plan. The proposed rule change is substantially similar to proposed rule changes recently approved or published by the Commission for the Bats BZX Exchange, Inc. f/k/a BATS Exchange, Inc. ("BZX") to adopt BZX Rule 11.27(b) which also sets forth requirements for the collection and transmission of data pursuant to Appendices B and C of the Plan. The Exchange has designated this proposal as a "non-controversial" proposed rule change pursuant to section 19(b)(3)(A) of the Act and provided the Commission with the notice required by Rule 19b–4(f)(6)(iii) under the Act. The text of the proposed rule change is available at the Exchange's Web site at *www.iextrading.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statement may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

On August 25, 2014, NYSE Group, Inc., on behalf of BATS Exchange, Inc., BATS Y-Exchange, Inc., Chicago Stock Exchange, Inc., EDGA Exchange, Inc., EDGX Exchange, Inc., Financial Industry Regulatory Authority, Inc. ("FINRA"), NASDAQ OMX BX, Inc., NASDAQ OMX PHLX LLC, the Nasdaq Stock Market LLC, New York Stock Exchange LLC ("NYSE"), NYSE MKT LLC, and NYSE Arca, Inc. (collectively "Participants"), filed with the Commission, pursuant to section 11A of the Act[4] and Rule 608 of Regulation NMS thereunder,[5] the Plan to Implement a Tick Size Pilot Program ("Pilot").[6] The Participants filed the Plan to comply with an order issued by the Commission on June 24, 2014.[7] The Plan[8] was published for comment in the **Federal Register** on November 7, 2014, and approved by the Commission, as modified, on May 6, 2015.[9] On November 6, 2015, the Commission granted the Participants an exemption from implementing the Plan until October 3, 2016.[10] An amendment to the Plan adding IEX as a Participant will be filed with the Commission shortly.

The Plan is designed to allow the Commission, market participants, and the public to study and assess the impact of increment conventions on the liquidity and trading of the common stocks of small-capitalization companies. Each Participant is required to comply, and to enforce compliance by its member organizations, as applicable, with the provisions of the Plan. As is described more fully below, the proposed rules would require IEX Members[11] to comply with the applicable data collection requirements of the Plan.[12]

The Pilot will include stocks of companies with $3 billion or less in market capitalization, an average daily trading volume of one million shares or less, and a volume weighted average price of at least $2.00 for every trading day. The Pilot will consist of a control group of approximately 1,400 Pilot Securities and three test groups with 400 Pilot Securities in each (selected by a stratified random sampling process).[13] During the pilot, Pilot Securities in the control group will be quoted at the current tick size increment of $0.01 per share and will trade at the currently permitted increments. Pilot Securities in the first test group ("Test Group One") will be quoted in the $0.05 minimum increments but will continue to trade at any price increment that is currently permitted.[14] Pilot Securities in the second test group ("Test Group Two") will be quoted in $0.05 minimum increments and will trade at $0.05 minimum increments subject to a midpoint exception, a retail investor order exception, and a negotiated trade exception.[15] Pilot Securities in the third test group ("Test Group Three") will be subject to the same quoting and trading increments as Test Group Two and also will be subject to the ''Trade-at'' requirements to prevent price matching by a market participant that is not displaying at a Trading Center's ''Best Protected Bid'' or ''Best Protected Offer,'' unless an enumerated exception applies.[16] In addition to the exceptions provided under Test Group Two, an exception for Block Size orders and exceptions that mirror those under Rule 611 of Regulation NMS[17] will apply to the Trade-at requirement.

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[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

[4] 15 U.S.C. 78k-1

[5] 17 CFR 242.608.

[6] *See* Letter from Brendon J. Weiss, Vice President, Intercontinental Exchange, Inc., to Secretary, Commission, dated August 25, 2014.

[7] *See* Securities Exchange Act Release No. 72460 (June 24, 2014), 79 FR 36840 (June 30, 2014).

[8] Unless otherwise specified, capitalized terms used in this rule filing are based on the defined terms of the Plan.

[9] *See* Securities Exchange Act Release No. 74892 (May 6, 2015), 80 FR 27513 (May 13, 2015) (File No. 4–657) ("Approval Order").

[10] *See* Securities Exchange Act Release No. 76382 (November 6, 2015), 80 FR 70284 (November 13, 2015) (File No. 4–657) (Order Granting Exemption from Compliance with the National Market System Plan to Implement a Tick Size Pilot Program).

[11] An IEX Member is ". . . any registered broker or dealer that has been admitted to membership in the Exchange. A Member will have the status of a Member of the Exchange as that term is defined in Section 3(a)(3) of the Act. Membership may be granted to a sole proprietor, partnership, corporation, limited liability company, or other organization that is a registered broker or dealer pursuant to Section 15 of the Act, and which has been approved by the Exchange." *See* IEX Rule 1.160(s).

[12] The Exchange proposes Supplementary Material .01 to Rule 11.340 to provide that the Rule shall be in effect during a pilot period to coincide with the pilot period for the Plan (including any extensions to the pilot period for the Plan).

[13] *See* Section V of the Plan for identification of Pilot Securities, including criteria for selection and grouping.

[14] *See* Section VI(B) of the Plan.

[15] *See* Section VI(C) of the Plan.

In approving the Plan, the Commission noted that the Trading Center data reporting requirements would facilitate an analysis of the effects of the Pilot on liquidity (*e.g.,* transaction costs by order size), execution quality (*e.g.,* speed of order executions), market maker activity, competition between trading venues (*e.g.,* routing frequency of market orders), transparency (*e.g.,* choice between displayed and hidden orders), and market dynamics (*e.g.,* rates and speed of order cancellations).[18] The Commission noted that Market Maker profitability data would assist the Commission in evaluating the effect, if any, of a widened tick increment on market maker profits and any corresponding changes in the liquidity of small-capitalization securities.[19]

Compliance With the Data Collection Requirements of the Plan

The Plan contains requirements for collecting and transmitting data to the Commission and to the public.[20] Specifically, Appendix B.I of the Plan (Market Quality Statistics) requires Trading Centers[21] to submit a variety of market quality statistics, including information about an order's original size, whether the order was displayable or not, the cumulative number of orders, the cumulative number of shares of orders, and the cumulative number of shares executed within specific time increments, *e.g.,* from 30 seconds to less than 60 seconds after the time of order receipt. This information shall be categorized by security, order type, original order size, hidden status, and coverage under Rule 605.[22] Appendix B.I of the Plan also contains additional requirements for market orders and marketable limit orders, including the share-weighted average spread for executions of orders; the cumulative number of shares of orders executed with price improvement; and, for shares executed with price improvement, the share-weighted average amount per share that prices were improved.

Appendix B.II of the Plan (Market and Marketable Limit Order Data) requires Trading Centers to submit information relating to market orders and marketable limit orders, including the time of order receipt, order type, the order size, the National Best Bid and National Best Offer (''NBBO'') quoted price, the NBBO quoted depth, the average execution price-share-weighted average, and the average execution time-share-weighted average.

The Plan requires Appendix B.I and B.II data to be submitted by Participants that operate a Trading Center, and by members of the Participants that operate Trading Centers. The Plan provides that each Participant that is a Designated Examining Authority (''DEA'') for a member of the Participant that operates a Trading Center shall collect such data in a pipe delimited format, beginning six months prior to the Pilot Period and ending six months after the end of the Pilot Period. The Plan also requires the Participant, operating as DEA, to transmit this information to the SEC within 30 calendar days following month end.

The Exchange is therefore proposing Rule 11.340(b) to set forth the requirements for the collection and transmission of data pursuant to Appendices B and C of the Plan. Proposed Rule 11.340(b) is substantially similar to proposed rule changes of BZX that were recently approved or published by the Commission to adopt BZX Rule 11.27(b) which also sets forth requirements for the collection and transmission of data pursuant to Appendices B and C of the Plan.[23]

Proposed Rule 11.340(b)(1) requires that a Member that operates a Trading Center shall establish, maintain and enforce written policies and procedures that are reasonably designed to comply with the data collection and transmission requirements of Items I and II to Appendix B of the Plan, and a Member that is a Market Maker[24] shall establish, maintain and enforce written policies and procedures that are reasonably designed to comply with the data collection and transmission requirements of Item IV of Appendix B of the Plan and Item I of Appendix C of the Plan.

Proposed Rule 11.340(b)(2) provides that the Exchange shall collect and transmit to the SEC the data described in Items I and II of Appendix B of the Plan relating to trading activity in Pre-Pilot Securities and Pilot Securities on a Trading Center operated by the Exchange. The Exchange shall transmit such data to the SEC in a pipe delimited format, on a disaggregated basis by Trading Center, within 30 calendar days following month end for: (i) Each Pre-Pilot Data Collection Security for the period beginning six months prior to the Pilot Period through the trading day immediately preceding the Pilot Period; and (ii) each Pilot Security for the period beginning on the first day of the Pilot Period through six months after the end of the Pilot Period. The Exchange also shall make such data publicly available on the Exchange Web site on a monthly basis at no charge and will not identify the Member that generated the data.

On June 17, 2016 the Commission granted to IEX an application for registration as a national securities exchange under section 6 of the Act.[25] IEX intends to launch exchange operations during a security-by-security phase-in period scheduled to begin on August 19, 2016. During the phase-in period, securities will transition from being available for trading on the Alternative Trading System operated by the Exchange's affiliate IEX Services LLC (''IEX ATS''), to the Exchange. Once a security becomes available for trading on the Exchange it will no longer be available for trading on the IEX ATS.[26] The IEX ATS currently reports data for Pilot Securities to FINRA pursuant to FINRA Rule 6191(b). During the phase-in period, the IEX ATS will continue to report data to FINRA for Pilot Securities that have not yet transitioned to the Exchange. Data for Pilot Securities that have transitioned to the Exchange will be reported to the SEC pursuant to IEX Rule 11.340(b), as proposed. Accordingly, reporting for Pilot Securities will take place as appropriate based on each Pilot Security's status as either available for trading on the IEX ATS or the Exchange.

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[16] *See* Section VI(D) of the Plan.

[17] 17 CFR 242.611.

[18] *See* Approval Order, 80 FR at 27543.

[19] *Id.*

[20] The Exchange is also required by the Plan to establish, maintain, and enforce written policies and procedures that are reasonably designed to comply with applicable quoting and trading requirements specified in the Plan. The Exchange intends to separately propose rules that would require compliance by its Members with the applicable quoting and trading requirements specified in the Plan, and has reserved paragraph (a) for such rules.

[21] The Plan incorporates the definition of a ''Trading Center'' from Rule 600(b)(78) of Regulation NMS. Regulation NMS defines a ''Trading Center'' as ''a national securities exchange or national securities association that operates an SRO trading facility, an alternative trading system, an exchange market maker, an OTC market maker, or any other broker or dealer that executes orders internally by trading as principal or crossing orders as agent.'' *See* 17 CFR 242.600(b).

[22] 17 CFR 242.605.

[23] *See* Securities Exchange Act Release Nos. 77105 (February 10, 2016), 81 FR 8112 (February 17, 2016) (order approving SR–BATS–2015–102); and 77310 (March 7, 2016) (notice for comment and immediate effectiveness of SR–BATS–2016–27).

[24] The Plan defines a Market Maker as ''a dealer registered with any self-regulatory organization, in accordance with the rules thereof, as (i) a market maker or (ii) a liquidity provider with an obligation to maintain continuous, two-sided trading interest.''

[25] *See* Securities Exchange Act Release No. 34–78101 (June 17, 2016), 81 FR 41141 (June 23, 2016) (File No. 10–222).

[26] *See, https://iextrading.com/trading/alerts/2016/028/#exchange-transition* for detailed information on the transition from the IEX ATS to Exchange.

Appendix B.IV (Daily Market Maker Participation Statistics) requires a Participant to collect data related to Market Maker participation from each Market Maker engaging in trading activity on a Trading Center operated by the Participant. The Exchange is therefore proposing Rule 11.340(b)(3) to gather data about a Market Maker's participation in Pilot Securities and Pre-Pilot Data Collection Securities. Proposed Rule 11.340(b)(3)(A) provides that a Member that is a Market Maker shall collect and transmit to their DEA data relating to Item IV of Appendix B of the Plan with respect to activity conducted on any Trading Center in Pilot Securities and Pre-Pilot Data Collection Securities in furtherance of its status as a registered Market Maker, including a Trading Center that executes trades otherwise than on a national securities exchange, for transactions that have settled or reached settlement date. The proposed rule requires Market Makers to transmit such data in a format required by their DEA, by 12:00 p.m. EST on T+4 for: (i) Transactions in each Pre-Pilot Data Collection Security for the period beginning six months prior to the Pilot Period through the trading day immediately preceding the Pilot Period; and (ii) for transactions in each Pilot Security for the period beginning on the first day of the Pilot Period through six months after the end of the Pilot Period.

The Exchange understands that some Members may have a DEA that is not a Participant to the Plan and that such non-Participant DEA would not be subject to the Plan's data collection requirements. In such case, a DEA that is not a Participant of the Plan would not be required to collect the required data and may not establish procedures for those Members for which it acts as DEA to report the data required under subparagraphs (b)(3)(A) of Rule 11.340 and in accordance with Item IV of Appendix B of the Plan. Therefore, the Exchange proposes to adopt subparagraph (b)(3)(B) to Rule 11.340 to require a Member that is a Market Maker whose DEA is not a Participant to the Plan to transmit the data collected pursuant to paragraph (3)(A) of Rule 11.340(b) to FINRA, which is a Participant to the Plan and will collect data relating to Item IV of Appendix B of the Plan on behalf of the Participants. For Market Makers for which it is the DEA, FINRA issued a Market Maker Transaction Data Technical Specification to collect data on Pre-Pilot Data Collection Securities and Pilot Securities from Trading Centers to comply with the Plan's data collection requirements.[27]

Proposed Rule 11.340(b)(3)(C) provides that the Exchange shall transmit the data collected by the DEA or FINRA pursuant to Rule 11.340(b)(3)(A) and (B) above relating to Market Maker activity on a Trading Center operated by the Exchange to the SEC in a pipe delimited format within 30 calendar days following month end. The Exchange shall also make such data publicly available on the Exchange Web site on a monthly basis at no charge and shall not identify the Trading Center that generated the data.

Appendix C.I (Market Maker Profitability) requires a Participant to collect data related to Market Maker profitability from each Market Maker for which it is the DEA. Specifically, the Participant is required to collect the total number of shares of orders executed by the Market Maker; the raw Market Maker realized trading profits, and the raw Market Maker unrealized trading profits. Data shall be collected for dates starting six months prior to the Pilot Period through six months after the end of the Pilot Period. This data shall be collected on a monthly basis, to be provided in a pipe delimited format to the Participant, as DEA, within 30 calendar days following month end. Appendix C.II (Aggregated Market Maker Profitability) requires the Participant, as DEA, to aggregate the Appendix C.I data, and to categorize this data by security as well as by the control group and each Test Group. That aggregated data shall contain information relating to total raw Market Maker realized trading profits, volume-weighted average of raw Market Maker realized trading profits, the total raw Market Maker unrealized trading profits, and the volume-weighted average of Market Maker unrealized trading profits.

The Exchange is therefore proposing Rule 11.340(b)(4) to set forth the requirements for the collection and transmission of data pursuant to Appendix C.I of the Plan. Proposed Rule 11.340(b)(4)(A) requires that a Member that is a Market Maker shall collect and transmit to their DEA the data described in Item I of Appendix C of the Plan, as modified by Paragraph (b)(5) with respect to executions in Pilot Securities that have settled or reached settlement date that were executed on any Trading Center. The proposed rule also requires Members to provide such data in a format required by their DEA by 12 p.m. EST on T+4 for executions during and outside of Regular Trading Hours in each: (i) Pre-Pilot Data Collection Security for the period beginning six months prior to the Pilot Period through the trading day immediately preceding the Pilot Period; and (ii) Pilot Security for the period beginning on the first day of the Pilot Period through six months after the end of the Pilot Period.

For the same reasons set forth above for subparagraph (b)(3)(B) to Rule 11.340, the Exchange proposes to adopt subparagraph (b)(4)(B) to Rule 11.340 to require a Member that is a Market Maker whose DEA is not a Participant to the Plan to transmit the data collected pursuant to paragraph (4)(A) of Rule 11.340(b) to FINRA. As stated above, FINRA is a Participant to the Plan and is to collect data relating to Item I of Appendix C of the Plan on behalf of the Participants. For Market Makers for which it is the DEA, FINRA issued a Market Maker Transaction Data Technical Specification to collect data on Pre-Pilot Data Collection Securities and Pilot Securities from Trading Centers to comply with the Plan's data collection requirements.[28]

The Exchange is also adopting a rule setting forth the manner in which Market Maker participation will be calculated. Item III of Appendix B of the Plan requires each Participant that is a national securities exchange to collect daily Market Maker registration statistics categorized by security, including the following information: (i) Ticker symbol; (ii) the Participant exchange; (iii) number of registered market makers; and (iv) the number of other registered liquidity providers. Therefore, the Exchange proposes to adopt Rule 11.340(b)(5) providing that the Exchange shall collect and transmit to the SEC the data described in Item III of Appendix B of the Plan relating to daily Market Maker registration statistics in a pipe delimited format within 30 calendar days following month end for: (i) Transactions in each Pre-Pilot Data Collection Security for the period beginning six months prior to the Pilot Period through the trading day immediately preceding the Pilot Period; and (ii) transactions in each Pilot Security for the period beginning on the first day of the Pilot Period through six months after the end of the Pilot Period.

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[27] FINRA members for which FINRA is their DEA should refer to the Market Maker Transaction Technical Specification on the FINRA Web site at *http://www.finra.org/sites/default/files/market-maker-transaction-data-tech-specs.pdf*.

[28] *Id.*

The Exchange notes that, as of the date of this filing, it does not have any registered Market Makers and therefore will not have daily Market Maker registration statistics to collect or transmit to the SEC or to FINRA pursuant to Item III of Appendix B of the Plan unless and until such time as it has registered Market Makers.

The Exchange is also proposing, through Supplementary Material, to clarify other aspects of the data collection requirements.[29] Proposed Supplementary Material .02 relates to the use of the retail investor order flag for purposes of Appendix B.II(n) reporting. The Plan currently states that market and marketable limit orders shall include a "yes/no" field relating to the Retail Investor Order flag. The Exchange is proposing Supplementary Material .02 to clarify that, for purposes of the reporting requirement in Appendix B.II(n), a Trading Center shall report "y" to their DEA where it is relying upon the Retail Investor Order exception to Test Groups Two and Three, and "n" for all other instances.[30] The Exchange believes that requiring the identification of a Retail Investor Orders only where the exception may apply (*i.e.,* Pilot Securities in Test Groups Two and Three) is consistent with Appendix B.II(n).

Supplementary Material .03 requires that Members populate a field to identify to their DEA whether an order is affected by the bands in place pursuant to the National Market System Plan to Address Extraordinary Market Volatility.[31] Pursuant to the Limit-Up Limit-Down Plan, between 9:30 a.m. and 4:00 p.m., the Securities Information Processor ("SIP") calculates a lower price band and an upper price band for each NMS stock. These price bands represent a specified percentage above or below the stock's reference price, which generally is calculated based on reported transactions in that stock over the preceding five minutes. When one side of the market for an individual security is outside the applicable price band, the SIP identifies that quotation as non-executable. When the other side of the market reaches the applicable price band (*e.g.,* the offer reaches the lower price band), the security enters a Limit State. The stock would exit a Limit State if, within 15 seconds of entering the Limit State, all Limit State Quotations were executed or canceled in their entirety. If the security does not exit a Limit State within 15 seconds, then the primary listing exchange declares a five-minute trading pause, which would be applicable to all markets trading the security.

The Exchange and the other Participants have determined that it is appropriate to create a new flag for reporting orders that are affected by the Limit-Up Limit-Down bands. Accordingly, a Trading Center shall report a value of "Y" to their DEA when the ability of an order to execute has been affected by the Limit-Up Limit-Down bands in effect at the time of order receipt. A Trading Center shall report a value of "N" to their DEA when the ability of an order to execute has not been affected by the Limit-Up Limit-Down bands in effect at the time of order receipt.

Supplementary Material .03 also requires, for securities that may trade in a foreign market, that the Participant indicate whether the order was handled domestically, or routed to a foreign venue. Accordingly, the Participant will indicate, for purposes of Appendix B.I, whether the order was: (1) Fully executed domestically, or (2) fully or partially executed on a foreign market. For purposes of Appendix B.II, the Participant will classify all orders in dually-listed Pilot and Pre-Pilot Securities as: (1) Directed to a domestic venue for execution; (2) may only be directed to a foreign venue for execution; or (3) was fully or partially directed to a foreign venue at the discretion of the Member. The Exchange believes that this proposed flag will better identify orders in securities that may trade in a foreign market, as such orders that were routed to foreign venues would not be subject to the Plan's quoting and trading requirements, and could otherwise compromise the integrity of the data.

Supplementary Material .04 relates to the time ranges specified in Appendix B.I.a(14), B.I.a(15), B.I.a(21) and B.I.a(22).[32] The Exchange and the other Participants have determined that it is appropriate to change the reporting times in these provisions to require more granular reporting for these categories. Accordingly, the Exchange proposes to add Appendix B.I.a(14A), which will require Trading Centers to report the cumulative number of shares of orders executed from 100 microseconds to less than 1 millisecond after the time of order receipt. Appendix B.I.a(15) will be changed to require the cumulative number of shares of orders executed from 1 millisecond to less than 100 milliseconds after the time of order receipt. The Exchange also proposes to add Appendix B.I.a(21A), which will require Trading Centers to report the cumulative number of shares of orders canceled from 100 microseconds to less than 1 millisecond after the time of order receipt. Appendix B.I.a(22) will be changed to require the cumulative number of shares of orders canceled from 1 millisecond to less than 100 milliseconds after the time of order receipt. The Exchange believes that these new reporting requirements will contribute to a meaningful analysis of the Pilot by producing more granular data on these points.[33]

Supplementary Material .05 relates to the relevant measurement for purposes of Appendix B.I.a(31)–(33) reporting. Currently, the Plan states that this data shall be reported as of the time of order execution. The Exchange and the other Participants believe that this information should more properly be captured at the time of order receipt as evaluating share-weighted average prices at the time of order receipt is more consistent with the goal of observing the effect of the Pilot on the liquidity of Pilot Securities. The Exchange is therefore proposing to make this change through Supplementary Material .05.[34] This change will make these provisions consistent with the remainder of the statistics in Appendix B.I.a, which are all based on order receipt.

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[29] The Exchange is also proposing Supplementary Material .01 to Rule 11.340 to clarify that certain enumerated terms used throughout Rule 11.340 shall have the same meaning as set forth in the Plan.

[30] FINRA, on behalf of the Plan Participants at the time submitted a letter to the Commission requesting exemption from certain provisions of the Plan related to data collection. *See* letter from Marcia E. Asquith, Senior Vice President and Corporate Secretary, FINRA dated December 9, 2015 to Robert W. Errett, Deputy Secretary, Commission ("Exemption Request"). The Commission, pursuant to its authority under Rule 608(e) of Regulation NMS, granted BZX, as of February 10, 2016, a limited exemption from the requirement to comply with certain provisions of the Plan as specified in the letter and noted herein. *See e.g.,* letter from David Shillman, Associate Director, Division of Trading and Markets, Commission to Eric Swanson, General Counsel, BZX, dated February 10, 2016 ("Exemption Letter"). On April 4, 2016, the Commission granted the National Stock Exchange, Inc. ("NSX"), which was not a Plan Participant as of February 10, 2016, comparative limited exemption from such requirements. *See,* letter from John C. Roeser, Associate Director, Division of Trading and Markets, Commission to James Buckley, Chief Regulatory Officer, NSX, dated April 4, 2016. IEX was not a Plan Participant at the time that such exemptions were requested or granted and respectfully requests that the Commission grant to it the same exemptions that the Commission granted to the other Plan Participants.

[31] *See* National Market System Plan to Address Extraordinary Market Volatility, Securities Exchange Act Release No. 67091 (May 31, 2012), 77 FR 33498 (June 6, 2012) (File No. 4–631) ("Limit-Up Limit-Down Plan").

[32] Specifically, Appendix B.I.a(14) requires reporting of the cumulative number of shares of orders executed from 0 to less than 100 microseconds after the time of order receipt; Appendix B.I.a(15) requires reporting of the cumulative number of shares of orders executed from 100 microseconds to less than 100 milliseconds after the time of order receipt; Appendix B.I.a(21) requires reporting of the cumulative number of shares of orders cancelled from 0 to less than 100 microseconds after the time of order receipt; and appendix B.I.a(22) requires reporting of the cumulative number of shares of orders cancelled from 100 microseconds to less than 100 milliseconds after the time of order receipt.

[33] On February 10, 2016, the Commission granted BZX an exemption from Rule 608(c) related to this provision. *See* Exemption Letter, *supra,* note 30. IEX requests that the Commission grant to it this same exemption.

Supplementary Material .06 addresses the status of not-held and auction orders for purposes of Appendix B.I reporting. Currently, Appendix B.I sets forth eight categories of orders, including market orders, marketable limit orders, and inside-thequote resting limit orders, for which daily market quality statistics must be reported. Currently, Appendix B.I does not provide a category for not held orders, clean cross orders, auction orders, or orders received when the NBBO is crossed. The Exchange and the other Participants have determined that it is appropriate to include separate categories for both not held orders and auction orders for purposes of Appendix B reporting. The Exchange is therefore proposing Supplementary Material .06 to provide that not held orders shall be included as an order type for purposes of Appendix B reporting, and shall be assigned the number (18). Clean cross orders shall be included as an order type for purposes of Appendix B reporting, and shall be assigned the number (19); auction orders shall be included an as order type for purposes of Appendix B reporting, and shall be assigned the number (20); [35] and orders that cannot otherwise be classified, including, for example, orders received when the NBBO is crossed shall be included as an order type for purposes of Appendix B reporting, and shall be assigned the number (21). All of these orders already are included in the scope of Appendix B; however, without this proposed change, these order types would be categorized with other orders, such as regular held orders, that should be able to be fully executed upon receipt, which would compromise the value of this data.

The Exchange is proposing Supplementary Material .07 to clarify the scope of the Plan as it relates to Members that only execute orders limited purposes. Specifically, The Exchange and the other Participants believe that a Member that only executes orders otherwise than on a national securities exchange for the purpose of: (1) Correcting a bona fide error related to the execution of a customer order; (2) purchasing a security from a customer at a nominal price solely for purposes of liquidating the customer's position; or (3) completing the fractional share portion of an order[36] shall not be deemed a Trading Center for purposes of Appendix B to the Plan. The Exchange is therefore proposing Supplementary Material .09 to make this clarification.

The Exchange is proposing Supplementary Material .08 to clarify that, for purposes of the Plan, Trading Centers must begin the data collection required pursuant to Appendix B.I.a(1) through B.II.(y) of the Plan and Item I of Appendix C of the Plan on April 4, 2016. While the Exchange or the Member's DEA will provide the information required by Appendix B and C of the Plan during the Pilot Period, the requirement that the Exchange or their DEA provide information to the SEC within 30 days following month end and make such data publicly available on its Web site pursuant to Appendix B and C shall commence six months prior to the beginning of the Pilot Period.[37]

The Exchange is proposing Supplementary Material .09 to address the requirement in Appendix C.I(b) of the Plan that the calculation of raw Market Maker realized trading profits utilize a last in, first out (''LIFO'')-like method to determine which share prices shall be used in that calculation. The Exchange and the other Participants believe that it is more appropriate to utilize a methodology that yields LIFO-like results, rather than utilizing a LIFO-like method, and the Exchange is therefore proposing Supplementary Material .09 to make this change.[38] The Exchange is proposing that, for purposes of Item I of Appendix C, the Participants shall calculate daily Market Maker realized profitability statistics for each trading day on a daily LIFO basis using reported trade price and shall include only trades executed on the subject trading day. The daily LIFO calculation shall not include any positions carried over from previous trading days. For purposes of Item I.c of Appendix C, the Participants shall calculate daily Market Maker unrealized profitability statistics for each trading day on an average price basis. Specifically, the Participants must calculate the volume weighted average price of the excess (deficit) of buy volume over sell volume for the current trading day using reported trade price. The gain (loss) of the excess (deficit) of buy volume over sell volume shall be determined by using the volume weighted average price compared to the closing price of the security as reported by the primary listing exchange. In reporting unrealized trading profits, the Participant shall also report the number of excess (deficit) shares held by the Market Maker, the volume weighted average price of that excess (deficit) and the closing price of the security as reported by the primary listing exchange used in reporting unrealized profit.[39]

Finally, the Exchange is proposing Supplementary Material .10 to address the securities that will be used for data collection purposes prior to the commencement of the Pilot. The Exchange and the other Participants have determined that it is appropriate to collect data for a group of securities that is larger, and using different quantitative thresholds, than the group of securities that will be Pilot Securities. The Exchange is therefore proposing Supplementary Material .09 to define ''Pre-Pilot Data Collection Securities'' as the securities designated by the Participants for purposes of the data collection requirements described in Items I, II and IV of Appendix B and Item I of Appendix C of the Plan for the period beginning six months prior to the

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[34] On February 10, 2016, the Commission granted BZX an exemption from Rule 608(c) related to this provision. *See* Exemption Letter, *supra,* note 30. IEX requests that the Commission grant to it this same exemption.

[35] The Exchange notes that, as of the date of this filing, it does not offer order types specifically defined as ''not held,'' ''clean cross,'' or ''auction order.''

[36] The Exchange notes that where a Member purchases a fractional share from a customer, the Trading Center that executes the remaining whole shares of that customer order would be subject to Appendix B of the Plan.

[37] In the Approval Order, the SEC noted that the Pilot shall be implemented within one year of the date of publication, *i.e.,* by May 6, 2016. *See* Approval Order, 80 FR at 27545. The SEC subsequently extended the implementation date approximately five months to October 3, 2016. *See supra,* note 9. *See* also Letter dated November 4, 2015 from Brendon J. Weiss, Co-Head, Government Affairs, Intercontinental Exchange/NYSE, to Brent J. Fields, Secretary, Commission (requesting the data collection period be extended until six months after the requisite SRO rules are approved, and the implementation date of the Tick Size Pilot until six months thereafter).

[38] Appendix C.I currently requires Market Maker profitability statistics to include (1) the total number of shares of orders executed by the Market Maker; (2) raw Market Maker realized trading profits, which is the difference between the market value of Market Maker shares and the market value of Market Maker purchases, using a LIFO-like method; and (3) raw Market Maker unrealized trading profits, which is the difference between the purchase or sale price of the end-of-day inventory position of the Market Maker and the Closing Price. In the case of a short position, the Closing Price from the sale will be subtracted; in the case of a long position, the purchase price will be subtracted from the Closing Price.

[39] The Commission granted BZX, as of February 10, 2016, an exemption from Rule 608(c) related to this provision. *See* Exemption Letter, *supra,* note 30. IEX requests that the Commission grant to it this same exemption.

Pilot Period and ending on the trading day immediately preceding the Pilot Period. The Participants shall compile the list of Pre-Pilot Data Collection Securities by selecting all NMS stocks with a market capitalization of $5 billion or less, a Consolidated Average Daily Volume (CADV) of 2 million shares or less and a closing price of $1 per share or more. The market capitalization and the closing price thresholds shall be applied to the last day of the Pre-Pilot measurement period, and the CADV threshold shall be applied to the duration of the Pre-Pilot measurement period. The Pre-Pilot measurement period shall be the three calendar months ending on the day when the Pre-Pilot Data Collection Securities are selected. The Pre-Pilot Data Collection Securities shall be selected thirty days prior to the commencement of the six-month Pre-Pilot Period. On the trading day that is the first trading day of the Pilot Period through six months after the end of the Pilot Period, the data collection requirements will become applicable to the Pilot Securities only. A Pilot Security will only be eligible to be included in a Test Group if it was a PrePilot Security.

Implementation Date

The proposed rule change will be effective to coincide with IEX's launch of exchange operations during a security-by-security phase-in period.

2. Statutory Basis

IEX believes that the proposed rule change is consistent with the provisions of section 6 of the Act,[40] in general and furthers the objectives of sections 6(b)(5) of the Act[41] in particular, in that it is designed to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system and, in general, to protect investors and the public interest.

The Exchange believes that this proposal is consistent with the Act because it implements and clarifies the provisions of the Plan, and is designed to assist the Exchange in meeting its regulatory obligations pursuant to the Plan. In approving the Plan, the SEC noted that the Pilot was an appropriate, data-driven test that was designed to evaluate the impact of wider tick size on trading, liquidity, and the market quality of securities of smaller capitalization companies, and was therefore in furtherance of the purposes of the Act. The Exchange believes that this proposal is in furtherance of the objectives of the Plan, as identified by the SEC, and is therefore consistent with the Act because the proposal implements and clarifies the requirements of the Plan and applies specific obligations to Members in furtherance of compliance with the Plan.

B. Self-Regulatory Organization's Statement on Burden on Competition

IEX does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The Exchange notes that the proposed rule change implements the provisions of the Plan, and is designed to assist the Exchange in meeting its regulatory obligations pursuant to the Plan. The Exchange also notes that the data collection requirements for Members that operate Trading Centers will apply equally to all such Members, as will the data collection requirements for Market Makers.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

Written comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the proposed rule change does not (i) significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to section 19(b)(3)(A) of the Act[42] and Rule 19b–4(f)(6) thereunder.[43]

A proposed rule change filed pursuant to Rule 19b–4(f)(6) under the Act[44] normally does not become operative for 30 days after the date of its filing. However, Rule 19b–4(f)(6)(iii)[45] permits the Commission to designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has asked the Commission to waive the 30-day operative delay. The Commission believes that waiver of the operative delay is consistent with the protection of investors and the public interest because it would allow the Exchange to implement the proposed rule change to coincide with IEX's intent to launch exchange operations during a security-by-security phase-in period scheduled to begin on August 19, 2016. Therefore, the Commission hereby waives the operative delay and designates the proposal operative upon filing.[46]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov*. Please include File Number SR–IEX–2016–07 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–IEX–2016–07. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–IEX–2016–07, and should be submitted on or before August 31, 2016.

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[40] 15 U.S.C. 78f(b).

[41] 15 U.S.C. 78f(b)(5).

[42] 15 U.S.C. 78s(b)(3)(A).

[43] 17 CFR 240.19b–4(f)(6). As required under Rule 19b–4(f)(6)(iii), the Exchange provided the Commission with written notice of its intent to file the proposed rule change, along with a brief description and the text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission.

[44] 17 CFR 240.19b–4(f)(6).

[45] 17 CFR 240.19b–4(f)(6)(iii).

[46] For purposes only of waiving the 30-day operative delay, the Commission has also considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[47]

Robert W. Errett,

Deputy Secretary.

[FR Doc. 2016–18912 Filed 8–9–16; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. IC–32207; File No. 812–14580]

Allianz Life Insurance Company of North America, et al; Notice of Application

August 3, 2016.

AGENCY: Securities and Exchange Commission ("Commission").

ACTION: Notice of application for an order approving the substitution of certain securities pursuant to section 26(c) of the Investment Company Act of 1940, as amended ("Act") and an order of exemption pursuant to section 17(b) of the Act from section 17(a) of the Act.

APPLICANTS: Allianz Life Insurance Company of North America ("Allianz Life") and Allianz Life Insurance Company of New York ("Allianz NY") (together the "Insurance Company Applicants"); their respective separate accounts, Allianz Life Variable Account A ("Allianz Account A"), Allianz Life Variable Account B ("Allianz Account B"), and Allianz Life of NY Variable Account C ("Allianz Account C") (collectively, the "Separate Accounts" and together with the Insurance Company Applicants, the "Section 26 Applicants"); and Allianz Variable Insurance Products Trust (the "VIP Trust" and collectively with the Section 26 Applicants, the "Section 17 Applicants").

SUMMARY OF APPLICATION: The Applicants seek an order pursuant to section 26(c) of the Act, approving the substitution of shares issued by certain investment portfolios of registered investment companies (the "Target Funds") for the shares of certain investment portfolios of registered investment companies (the "Destination Funds"), held by the Separate Accounts to support certain variable life insurance policies and variable annuity contracts (the "Contracts") issued by Allianz Life and Allianz NY (the "Substitutions"). The Section 17 Applicants seek an order pursuant to section 17(b) of the Act exempting them from section 17(a) of the Act to the extent necessary to permit them to engage in certain in-kind transactions in connection with the Substitutions.

FILING DATE: The application was filed on November 16, 2015 and amended on June 27, 2016.

HEARING OR NOTIFICATION OF HEARING: An order granting the application will be issued unless the Commission orders a hearing. Interested persons may request a hearing by writing to the Secretary of the Commission and serving applicants with a copy of the request, personally or by mail. Hearing requests should be received by the Commission by 5:30 p.m. on August 26, 2016, and should be accompanied by proof of service on applicants in the form of an affidavit or, for lawyers, a certificate of service. Pursuant to rule 0–5 under the Act, hearing requests should state the nature of the requester's interest, any facts bearing upon the desirability of a hearing on the matter, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to Commission's Secretary.

ADDRESSES: Secretary, U.S. Securities and Exchange Commission, 100 F Street, NE., Washington, DC 20549–1090. Applicants: Allianz Life Insurance Company of North America, Allianz Life Variable Account A, and Allianz Life Variable Account B, 5701 Golden Hills Dr., Minneapolis, MN 55416–1297; Allianz Life Insurance Company of New York, and Allianz Life of NY Variable Account C, 28 Liberty Street, 38th Floor, New York, NY 10005–1423; and Allianz Variable Insurance Products Trust, 5701 Golden Hills Drive, Minneapolis, MN 55416–1297.

FOR FURTHER INFORMATION CONTACT: Barbara T. Heussler, Senior Counsel, at (202) 551–6990 or Mary Kay Frech, Branch Chief, at (202) 551–6821 (Chief Counsel's Office, Division of Investment Management).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained via the Commission's Web site by searching for the file number, or for an applicant using the Company name box, at *http://www.sec.gov/search/search.htm,* or by calling (202) 551–8090.

Applicants' Representations

1. Allianz Life is a stock life insurance company organized under the laws of the state of Minnesota. Allianz Life offers fixed and variable annuities and individual life insurance. Allianz Life is licensed to do direct business in 49 states and the District of Columbia. Allianz Life is an indirect, wholly-owned subsidiary of Allianz SE., a European stock corporation.

2. Allianz NY is a stock life insurance company organized under the laws of the state of New York. Allianz NY offers fixed and variable annuities. Allianz NY is licensed to do direct business in six states, including New York and the District of Columbia. Allianz NY is a wholly-owned subsidiary of Allianz Life, and an indirect, wholly-owned subsidiary of Allianz SE.

3. Allianz Account A is a segregated asset account of Allianz Life established under Minnesota insurance laws. Allianz Account A is used to fund certain variable life insurance policies issued by Allianz Life. Allianz Account A is divided into a number of subaccounts (each a "Subaccount"), each of which invests in and reflects the investment performance of a specific underlying registered investment company or portfolio thereof (each an "Investment Option"). Allianz Account A is registered as a unit investment trust under the Act.

4. Allianz Account B is a segregated asset account of Allianz Life established under Minnesota insurance laws. Allianz Account B is used to fund certain variable annuity contracts issued by Allianz Life. Allianz Account B is divided into a number of Subaccounts, each of which invests in and reflects the investment performance of a specific Investment Option. Allianz Account B is registered as a unit investment trust under the Act.

5. Allianz Account C is a segregated asset account of Allianz NY established

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[47] 17 CFR 200.30–3(a)(12).

under New York insurance laws. Allianz Account C is used to fund certain variable annuity contracts issued by Allianz NY. Allianz Account C is divided into a number of Subaccounts, each of which invests in and reflects the investment performance of a specific Investment Option. Allianz Account C is registered as a unit investment trust under the Act.

6. Allianz Life and Allianz NY have registration statements with the Commission for Contracts sponsored by the Separate Accounts that offer one or more of the Target Funds as an Investment Option. Under the Contracts, the Insurance Company Applicants reserve the right, subject to Commission approval and compliance with applicable laws, to substitute one of the Investment Options with another Investment Option after appropriate notice. Moreover, the Contracts permit the Insurance Company Applicants to limit allocation of purchase payments to one or more Subaccounts that invest in an Investment Option. The prospectuses or statements of additional information for the Contracts also contain appropriate disclosure of these rights.

7. Each Insurance Company Applicant, on behalf of itself and its Separate Account(s), proposes to substitute shares of the Target Funds that are held in Subaccounts of their Separate Accounts with shares of the corresponding Destination Funds, as shown in the table below.

Substitution target fund	Destination fund
1. Invesco V.I. International Growth Fund Series1	AZL International Index Fund Class 1.
2. Oppenheimer Global Fund/VA Non-Service Shares	AZL International Index Fund Class 1.
3. SP International Growth Portfolio Class II	AZL International Index Fund Class 2.
4. Templeton Foreign VIP Fund Class 1	AZL International Index Fund Class 1.
Templeton Foreign VIP Fund Class 2	AZL International Index Fund Class 2.
5. Alger MidCap Growth Portfolio Class 1	AZL Mid Cap Index Fund Class 1.
6. Franklin Small-Mid Cap Growth VIP Fund Class 1	AZL Mid Cap Index Fund Class 1.
Franklin Small-Mid Cap Growth VIP Fund Class 2	AZL Mid Cap Index Fund Class 2 .
7. Franklin Global Real Estate VIP Fund Class 1	AZL Morgan Stanley Global Real Estate Fund Class 1.
Franklin Global Real Estate VIP Fund Class 2	AZL Morgan Stanley Global Real Estate Fund Class 2.
8. Franklin High Income VIP Fund Class 1	AZL Pyramis Total Bond Fund Class 1.
Franklin High Income VIP Fund Class 2	AZL Pyramis Total Bond Fund Class 2.
9. Alger Capital Appreciation Portfolio Class 1	AZL Russell 1000 Growth Index Fund Class 1.
10. Alger Large Cap Growth Portfolio Class 1	AZL Russell 1000 Growth Index Fund Class 1.
11. Franklin Large Cap Growth VIP Fund Class 1	AZL Russell 1000 Growth Index Fund Class 1.
Franklin Large Cap Growth VIP Fund Class 2	AZL Russell 1000 Growth Index Fund Class 2.
12. Invesco V.I. American Franchise Fund Series I	AZL Russell 1000 Growth Index Fund Class 1.
Invesco V.I. American Franchise Fund Series II	AZL Russell 1000 Growth Index Fund Class 2.
13. Jennison Portfolio Class II	AZL Russell 1000 Growth Index Fund Class 2.
14. Davis VA Value Portfolio Class 1	AZL Russell 1000 Value Index Fund Class 1.
15. Franklin Growth and Income VIP Fund Class 1	AZL Russell 1000 Value Index Fund Class 1.
Franklin Growth and Income VIP Fund Class 2	AZL Russell 1000 Value Index Fund Class 2.
16. Invesco V.I. Growth & Income Fund Series I	AZL Russell 1000 Value Index Fund Class 1.
17. Invesco V.I. Core Equity Fund Series I	AZL S&P 500 Index Fund Class 1.
18. JPMorgan Insurance Trust U.S. Equity Portfolio Class 1	AZL S&P 500 Index Fund Class 1.
19. Oppenheimer Main Street Fund/VA Class 1	AZL S&P 500 Index Fund Class 1.
20. Alger Small Cap Growth Portfolio Class 1	AZL Small Cap Stock Index Fund Class 1.
21. Columbia Variable Portfolio—Select Smaller-Cap Value Fund Class 1	AZL Small Cap Stock Index Fund Class 1.
22. Franklin Small Cap Value VIP Fund Class 1	AZL Small Cap Stock Index Fund Class 1.
Franklin Small Cap Value VIP Fund Class 2	AZL Small Cap Stock Index Fund Class 2.

8. The Destination Funds are all series of the VIP Trust, a Delaware statutory trust registered as an open-end management investment company under the Act and whose shares are registered under the Securities Act of 1933.

9. Shares of the VIP Trust are sold to separate accounts of Allianz Life and Allianz NY for the purpose of funding the Contracts. The Destination Funds are managed by Allianz Investment Management LLC ("AIM"), an affiliate of the Insurance Company Applicants. AIM is registered as an investment adviser under the Investment Advisers Act of 1940.

10. The Insurance Company Applicants state that the proposed Substitutions are part of an ongoing effort to make their Contracts more attractive to existing and prospective Contract owners and to make the Contracts more efficient to administer. The Section 26 Applicants state that the Substitutions are designed and intended to simplify the menu of Investment Options by eliminating certain overlapping fund offerings that duplicate one another by having substantially similar investment objectives, strategies and risks. Additional information for each Target Fund and the corresponding Destination Fund, including investment objectives, principal investment strategies, principal risks, and performance can be found in the application.

11. Applicants state that for all Substitutions, the management fees and total annual fund operating expenses of each Destination Fund are lower than those of the corresponding Target Fund. The application sets forth the fees and expenses of each Target Fund and its corresponding Destination Fund in greater detail.

12. The proposed Substitutions will be described in supplements to the applicable prospectuses for the Contracts filed with the Commission ("Supplements") and delivered to all affected Contract owners at least 30 days before the date the proposed Substitution is effected ("Substitution Date"). The Supplements will give Contract owners notice of the respective Insurance Company Applicant's intent to take the necessary actions, including seeking the order requested by the application, to substitute shares of the Target Funds as described in the application on the Substitution Date. The Supplements also will advise Contract owners that for at least thirty (30) days before the Substitution Date, Contract owners are permitted to transfer all of or a portion of their

Contract value out of any Subaccount investing in a Target Fund to any other available Subaccounts offered under their Contract without any transfer charge or limitation and without the transfer being counted as a transfer for purposes of transfer limitations and fees that would otherwise be applicable under the terms of the Contracts.

13. The Section 26 Applicants will send the Supplements to all existing Contract owners. Prospective purchasers and new purchasers of Contracts will be provided with a Contract prospectus and the Supplements, as well as prospectuses and supplements for the Destination Funds.

14. In addition to the Supplements distributed to Contract owners, within five (5) business days after the Substitution Date, the Insurance Company Applicants will send Contract owners a written confirmation of the completed proposed Substitutions in accordance with rule 10b-10 under the Securities Exchange Act of 1934. The confirmation statement will include or be accompanied by a statement that reiterates the free transfer rights disclosed in the Supplements. The Insurance Company Applicants also will send each Contract owner current prospectuses for the Destination Funds involved to the extent that they have not previously received a copy.

15. Each Substitution will take place at the applicable Target and Destination Funds' relative per share net asset values determined on the Substitution Date in accordance with section 22 of the Act and rule 22c–1 under the Act. Accordingly, applicants state that the proposed Substitutions will have no negative financial impact on any Contract owner. Each proposed Substitution will be effected by having each Target Fund Subaccount redeem its Target Fund shares in cash and/or in-kind on the Substitution Date at net asset value per share and purchase shares of the appropriate Destination Fund at net asset value per share calculated on the same date. The process for accomplishing the transfer of assets from each Target Fund to its corresponding Destination Fund will be determined on a case-by-case basis. In some cases, it is expected that the Substitutions will be effected by redeeming shares of a Target Fund for cash and using the cash to purchase shares of the Destination Fund. In other cases, it is expected that the Substitutions will be effected by redeeming the shares of a Target Fund in-kind; those assets will then be contributed in-kind to the corresponding Destination Fund to purchase shares of that fund.

16. The Insurance Company Applicants or an affiliate will pay all expenses and transaction costs reasonably related to the proposed Substitutions. Applicants state that no costs of the proposed Substitutions will be borne directly or indirectly by Contract owners. Contract owners will not incur any fees or charges as a result of the proposed Substitutions, nor will their rights or the obligations of the Insurance Company Applicants under the Contracts be altered in any way. Applicants state that the proposed Substitutions will not cause the fees and charges under the Contracts currently being paid by Contract owners to be greater after the proposed Substitutions than before the proposed Substitutions.

17. The Section 26 Applicants further agree that they will cause AIM, as the manager of each Destination Fund, to enter into a written contract with the Destination Funds, whereby, during the two (2) years following the Substitution Date, the annual net operating expenses of each Destination Fund will not exceed, on an annualized basis, the annual net operating expenses of any corresponding Target Fund for fiscal year 2015. The Section 26 Applicants further agree that separate account charges for any Contract owner on the Substitution Date, will not be increased at any time during the two year period following the Substitution Date.

Legal Analysis

1. The Section 26 Applicants request that the Commission issue an order pursuant to section 26(c) of the Act approving the proposed Substitutions. Section 26(c) of the Act prohibits any depositor or trustee of a unit investment trust that invests exclusively in the securities of a single issuer from substituting the securities of another issuer without the approval of the Commission. Section 26(c) provides that such approval shall be granted by order of the Commission if the evidence establishes that the substitution is consistent with the protection of investors and the purposes of the Act.

2. Applicants submit that each of the proposed Substitutions meet the standards set forth in section 26(c) and that, if implemented, the Substitutions would not raise any of the concerns underlying this provision. Applicants state that each Destination Fund and its corresponding Target Fund have substantially similar investment objectives, principal investment strategies, and principal risks. The applicants also state that the management fees and total annual fund operating expenses of each Destination Fund are lower than those of the corresponding Target Fund.

3. Applicants also assert that the proposed Substitutions are consistent with the principles and purposes of section 26(c) and do not entail any of the abuses that section 26(c) is designed to prevent. Applicants state that the proposed Substitutions, therefore, will not result in the type of costly forced redemptions that section 26(c) was designed to guard against and are consistent with the protection of investors and the purposes fairly intended by the Act.

4. The Section 17 Applicants request that the Commission issue an order pursuant to section 17(b) of the Act exempting them from section 17(a) of the Act to the extent necessary to permit them to carry out the Substitutions by redeeming shares issued by each applicable Target Fund in-kind and using the securities distributed as redemption proceeds to purchase shares issued by the applicable Destination Funds (the "In-Kind Transactions").

5. Section 17(a)(1) of the Act prohibits any affiliated person of a registered investment company, or an affiliated person of an affiliated person, acting as principal, from selling any security or other property to such registered investment company. Section 17(a)(2) of the Act prohibits any of the persons described above, acting as principal, from purchasing any security or other property from such registered investment company.

6. Applicants may be considered affiliates of the Destination Funds based upon the definition of "affiliated person" in section 2(a)(3) of the Act. The majority of the shares of each fund of the VIP Trust are held by the Separate Accounts. Because shares held by a separate account of an insurance company are legally owned by the insurance company, Allianz Life and Allianz NY and their affiliates collectively own of record the majority of the shares of each fund of the VIP Trust, including the Destination Funds. Further, AIM, an affiliated person of the VIP Trust by virtue of section 2(a)(3)(E) of the Act, is a wholly owned subsidiary of Allianz Life. For these reasons, the VIP Trust and the Destination Funds are arguably under the control of Allianz Life and Allianz NY notwithstanding the fact that Contract owners may be considered the beneficial owners of those shares held in the Separate Accounts. If the VIP Trust and the Destination Funds are under the control of Allianz Life and Allianz NY, then each of Allianz Life and Allianz NY, or any person controlling Allianz Life and Allianz NY, or any person under

common control with Allianz Life and Allianz NY, is an affiliated person of the VIP Trust and the Destination Funds. Similarly, if the VIP Trust and the Destination Funds are under the control of Allianz Life and Allianz NY, then the VIP Trust and the Destination Funds are affiliated persons of Allianz Life and Allianz NY, and of any persons that control Allianz Life and Allianz NY or are under common control with Allianz Life and Allianz NY.

7. At the close of business on the Substitution Date, the Insurance Company Applicants will redeem shares of each Target Fund either in-kind or in cash, or a combination thereof, and use the proceeds of such redemptions to purchase shares of the corresponding Destination Fund, with each Subaccount of the applicable Separate Account investing the proceeds of its redemption from the Target Fund in the corresponding Destination Fund. Thus, the proposed transactions may involve a transfer of portfolio securities by each Target Fund to Allianz Life and Allianz NY. Immediately thereafter, Allianz Life and Allianz NY would purchase shares of the corresponding Destination Fund with the portfolio securities and/or cash received from the applicable Target Fund. This aspect of the Substitution may be deemed to involve one or more sales by Allianz Life or Allianz NY of securities or other property to the applicable Destination Fund, and could therefore be viewed as being prohibited by section 17(a) of the Act. Accordingly, the Section 17 Applicants seek relief from section 17(a) of the Act for the in-kind purchases and sales of the Destination Fund shares.

8. The Section 17 Applicants submit that the terms of the proposed In-Kind Transactions, including the consideration to be paid and received, are reasonable and fair, and do not involve overreaching on the part of any person concerned because: (1) the proposed In-Kind Transactions will not adversely affect or dilute the interests of Contract owners; and (2) the proposed In-Kind Transactions will comply with the conditions set forth in rule 17a–7 under the Act, other than the requirement relating to cash consideration. Even though the proposed In-Kind Transactions will not comply with the cash consideration requirement of paragraph (a) of rule 17a–7, the terms of the proposed In-Kind Transactions will offer to the relevant Target and Destination Funds the same degree of protection from overreaching that rule 17a–7 generally provides in connection with the purchase and sale of securities under that rule in the ordinary course of business. In particular, the Section 17 Applicants cannot effect the proposed In-Kind Transactions at a price that is disadvantageous to either a Target Fund or a Destination Fund, and the proposed In-Kind Transactions will not occur absent an exemptive order from the Commission.

9. The Section 17 Applicants also submit that the proposed In-Kind Transactions are, or will be, consistent with the policies of each Target Fund and corresponding Destination Fund as stated in their respective registration statements and reports filed with the Commission. Finally, the Section 17 Applicants submit that the proposed In-Kind Transactions are consistent with the general purposes of the Act.

Applicants' Conditions

The Section 26 Applicants agree that any order granting the requested relief will be subject to the following conditions:

1. The proposed Substitutions will not be effected unless the Insurance Company Applicants determine that: (a) the Contracts allow the substitution of shares of registered open-end investment companies in the manner contemplated by the application; (b) the proposed Substitutions can be consummated as described in the application under applicable insurance laws; and (c) any regulatory requirements in each jurisdiction where the Contracts are qualified for sale have been complied with to the extent necessary to complete the proposed Substitutions.

2. The Insurance Company Applicants or their affiliates will pay all expenses and transaction costs of the proposed Substitutions, including legal and accounting expenses, any applicable brokerage expenses and other fees and expenses. No fees or charges will be assessed to the Contract owners to effect the proposed Substitutions.

3. The proposed Substitutions will be effected at the relative net asset values of the respective shares in conformity with section 22(c) of the Act and rule 22c–1 thereunder without the imposition of any transfer or similar charges by the Section 26 Applicants. The proposed Substitutions will be effected without change in the amount or value of any Contracts held by affected Contract owners.

4. The proposed Substitutions will in no way alter the tax treatment of affected Contract owners in connection with their Contracts, and no tax liability will arise for affected Contract owners as a result of the proposed Substitutions.

5. The rights or obligations of the Insurance Company Applicants under the Contracts of affected Contract owners will not be altered in any way. The proposed Substitutions will not adversely affect any riders under the Contracts since each of the Destination Funds is an allowable Investment Option for use with such riders.

6. Affected Contract owners will be permitted to make at least one transfer of Contract value from the Subaccount investing in the Target Fund (before the Substitution Date) or the Destination Fund (after the Substitution Date) to any other available Investment Option under the Contract without charge for a period beginning at least 30 days before the Substitution Date through at least 30 days following the Substitution Date. Except as described in any market timing/short-term trading provisions of the relevant prospectus, the Insurance Company Applicants will not exercise any right it may have under the Contract to impose restrictions on transfers between the Subaccounts under the Contracts, including limitations on the future number of transfers, for a period beginning at least 30 days before the Substitution Date through at least 30 days following the Substitution Date.

7. All affected Contract owners will be notified, at least 30 days before the Substitution Date about: (a) the intended Substitution of the Target Funds with the Destination Funds; (b) the intended Substitution Date; and (c) information with respect to transfers as set forth in Condition 6 above. In addition, Insurance Company Applicants will deliver to all affected Contract owners, at least 30 days before the Substitution Date, a prospectus for each applicable Destination Fund.

8. Insurance Company Applicants will deliver to each affected Contract owner within five (5) business days of the Substitution Date a written confirmation which will include: (a) a confirmation that the proposed Substitutions were carried out as previously notified; (b) a restatement of the information set forth in the Supplements; and (c) before and after account values.

9. The Section 26 Applicants will cause AIM, as the Manager of each Destination Fund, to enter into a written contract with the Destination Funds, whereby, during the two (2) years following the Substitution Date, the annual net operating expenses of each Destination Fund will not exceed, on an annualized basis, the annual net operating expenses of any corresponding Target Fund for fiscal 2015. The Section 26 Applicants further agree that separate account charges for

any Contract owner on the Substitution Date will not be increased at any time during the two year period following the Substitution Date.

For the Commission, by the Division of Investment Management, under delegated authority.

Robert W. Errett,

Deputy Secretary.

[FR Doc. 2016–18913 Filed 8–9–16; 8:45 am]

BILLING CODE 8011–01–P

SOCIAL SECURITY ADMINISTRATION

[Docket No. SSA 2016–0026]

Privacy Act of 1974, as Amended; Computer Matching Program (SSA/Department of Defense (DoD), Defense Manpower Data Center (DMDC))—Match Number 1004

AGENCY: Social Security Administration (SSA).

ACTION: Notice of a renewal of an existing computer matching program that will expire on September 14, 2016.

SUMMARY: In accordance with the provisions of the Privacy Act, as amended, this notice announces a renewal of an existing computer matching program that we are currently conducting with DoD.

DATES: We will file a report of the subject matching program with the Committee on Homeland Security and Governmental Affairs of the Senate; the Committee on Oversight and Government Reform of the House of Representatives; and the Office of Information and Regulatory Affairs, Office of Management and Budget (OMB). The matching program will be effective as indicated below.

ADDRESSES: Interested parties may comment on this notice by either telefaxing to (410) 966–0869 or writing to the Acting Executive Director, Office of Privacy and Disclosure, Office of the General Counsel, Social Security Administration, 617 Altmeyer Building, 6401 Security Boulevard, Baltimore, MD 21235–6401. All comments received will be available for public inspection at this address.

FOR FURTHER INFORMATION CONTACT: The Acting Executive Director, Office of Privacy and Disclosure, Office of the General Counsel, as shown above.

SUPPLEMENTARY INFORMATION:

A. General

The Computer Matching and Privacy Protection Act of 1988 (Public Law (Pub. L.) 100–503), amended the Privacy Act (5 U.S.C. 552a) by describing the conditions under which computer matching involving the Federal government could be performed and adding certain protections for persons applying for, and receiving, Federal benefits. Section 7201 of the Omnibus Budget Reconciliation Act of 1990 (Pub. L. 101–508) further amended the Privacy Act regarding protections for such persons.

The Privacy Act, as amended, regulates the use of computer matching by Federal agencies when records in a system of records are matched with other Federal, State, or local government records. It requires Federal agencies involved in computer matching programs to:

(1) Negotiate written agreements with the other agency or agencies participating in the matching programs;

(2) Obtain approval of the matching agreement by the Data Integrity Boards of the participating Federal agencies;

(3) Publish notice of the computer matching program in the **Federal Register**;

(4) Furnish detailed reports about matching programs to Congress and OMB;

(5) Notify applicants and beneficiaries that their records are subject to matching; and

(6) Verify match findings before reducing, suspending, terminating, or denying a person's benefits or payments.

B. SSA Computer Matches Subject to the Privacy Act

We have taken action to ensure that all of our computer matching programs comply with the requirements of the Privacy Act, as amended.

Glenn Sklar,

Acting Executive Director, Office of Privacy and Disclosure, Office of the General Counsel.

Notice of Computer Matching Program, SSA with the Department of Defense (DoD)

A. PARTICIPATING AGENCIES:

SSA and DoD.

B. PURPOSE OF THE MATCHING PROGRAM:

The purpose of this matching agreement is to establish the terms, conditions, and safeguards under which DoD will conduct computer matching with the Social Security Administration (SSA) to verify information provided to SSA by recipients, and applicants thereof, of Supplemental Security Income (SSI) payments; and beneficiaries of Special Veterans Benefits (SVB) benefits, and applicants thereof. The SSI and SVB recipient/beneficiary provides information about eligibility/entitlement factors and other relevant information. We obtain additional information as necessary before making any determinations of eligibility/payment or entitlement/benefit amounts or adjustments thereto. With respect to military retirement payments to SSI recipients and SVB beneficiaries who are retired members of the Uniformed Services or their survivors, we will accomplish this task by computer matching with DoD/DMDC.

C. AUTHORITY FOR CONDUCTING THE MATCHING PROGRAM:

The legal authority for this exchange is sections 806(b) and 1631(e)(1)(B) and (f) of the Social Security Act (Act) (42 U.S.C. 1006(b) and 1383(e)(1)(B) and (f)). Our legal authority to disclose data to DoD/DMDC is section 1106(a) of the Act (42 U.S.C. 1306(a)) and the Privacy Act of 1974 (5 U.S.C. 552a(b)(3)).

D. CATEGORIES OF RECORDS AND PERSONS COVERED BY THE MATCHING PROGRAM:

We will provide DoD/DMDC with an electronic query file. Upon receipt of the electronic file, DoD/DMDC will perform a computer match using all nine digits of the Social Security Number against the DMDC database. These records include retired members of the Uniformed Services (not including Public Health) and their survivors entitled to Survivor Benefits.

E. INCLUSIVE DATES OF THE MATCHING PROGRAM:

The effective date of this matching program is September 14, 2016 provided that the following notice periods have lapsed: 30 days after publication of this notice in the **Federal Register** and 40 days after notice of the matching program is sent to Congress and OMB. The matching program will continue for 18 months from the effective date and, if both agencies meet certain conditions, it may extend for an additional 12 months thereafter.

[FR Doc. 2016–18989 Filed 8–9–16; 8:45 am]

BILLING CODE 4191–02–P

DEPARTMENT OF STATE

[Public Notice: 9654]

Notice of Meeting of the Cultural Property Advisory Committee

There will be a meeting of the Cultural Property Advisory Committee ("the Committee") October 25–27, 2016, at the United States Department of State, Harry S. Truman Building, 2201 C Street NW. (Marshall Center), and State Annex 5, 2200 C Street NW., Washington, DC. The Committee's responsibilities are carried out in accordance with provisions of the Convention on Cultural Property Implementation Act (19 U.S.C. 2601 *et seq.*) ("the Act"). A portion of this meeting will be closed to the public pursuant to 5 U.S.C. 552b(c)(9)(B) and 19 U.S.C. 2605(h).

During the closed portion of the meeting, the Committee will review the proposal to extend the *Memorandum of Understanding between the Government of the United States of America and the Government of the Republic of Peru Concerning the Imposition of Import Restrictions on Archaeological Material from the Prehispanic Cultures and Certain Ethnological Material from the Colonial Period of Peru* ("Peru MOU"), Docket No. DOS–2016–0053. Also, during the closed portion of the meeting, the Committee will review the proposal to extend the *Memorandum of Understanding between the Government of United States of America and the Government of the Republic of Cyprus Concerning the Imposition of Import Restrictions on Pre-Classical and Classical Archaeological Objects and Byzantine and Post Byzantine Period Ecclesiastical and Ritual Ethnological Materials* ("Cyprus MOU"), Docket No. DOS–2016–0054.

An open portion of the meeting to receive oral public comments on the proposals to extend the Peru MOU and the Cyprus MOU will be held on Tuesday, October 25, 2016, beginning at 9:15 a.m. EDT. The text of the Act and the MOUs, as well as related information, may be found at *http://culturalheritage.state.gov.*

If you wish to attend the open portion of the meeting of the Committee on October 25, 2016, registration is required. Please notify the Cultural Heritage Center of the U.S. Department of State at (202) 632–6301 no later than 5:00 p.m. (EDT) September 30, 2016 to arrange for admission. Seating is limited. When calling, please request reasonable accommodation if needed. The open portion will be held at the U.S. Department of State, Harry S. Truman Building, 2201 C St. NW., Room 1499 in the Marshall Center, Washington, DC 20037. Please enter using the 21st Street entrance, and plan to present a valid photo ID and arrive 30 minutes before the beginning of the open session.

Personal information regarding attendees is requested pursuant to the Omnibus Diplomatic Security and Antiterrorism Act of 1986, as amended (Pub. L. 99–399), the USA PATRIOT Act (Pub. L.107–56), and Executive Order 13356. The purpose of this collection is to validate the identity of individuals who enter U.S. Department of State facilities. The data will be entered into the Visitor Access Control System (VACS–D) database. Please see the Security Records System of Records Notice (State-36) at *https://foia.state.gov/_docs/SORN/State-36.pdf* for additional information.

If you wish to make an oral presentation at the open portion of the meeting, you must request to be scheduled by the above-mentioned date and time, and you must submit a written summary of your oral presentation, ensuring that it is received no later than September 30, 2016, at 11:59 p.m. (EDT), via the eRulemaking Portal (see below), to allow time for distribution to members of the Committee prior to the meeting. Oral comments will be limited to five (5) minutes to allow time for questions from members of the Committee. All oral comments must relate specifically to matters referred to in 19 U.S.C. 2602(a)(1), with respect to which the Committee makes its findings and recommendations.

If you do not wish to make oral comments but still wish to make your views known, you may submit written comments for the Committee to consider. Your written comments should relate specifically to the matters referred to in 19 U.S.C. 2602(a)(1). Please submit written comments electronically through the eRulemaking Portal (see below), ensuring that they are received no later than September 30, 2016, at 11:59 p.m. (EDT). Our adoption of this procedure facilitates public participation; implements Section 206 of the E-Government Act of 2002, Pub. L. 107–347, 116 Stat. 2915; and supports the Department of State's "Greening Diplomacy" initiative that aims to reduce the State Department's environmental footprint and reduce costs. The Department requests that any party soliciting or aggregating written comments received from other persons for submission to the Department inform those persons that the Department will not edit their comments to remove any identifying or contact information, and that they therefore should not include any such information in their comments that they do not want publicly disclosed.

Please submit written comments or a written summary of your oral presentation only once using one of these methods:

- *Electronic Delivery.* To submit written comments electronically, go to the Federal eRulemaking Portal (*http://www.regulations.gov*), enter either Docket No. DOS–2016–0053 for Peru or Docket No. DOS–2016–0054 for Cyprus, and follow the prompts to submit comments. Written comments submitted in electronic form are not private. They will be posted at *http://www.regulations.gov.* Because written comments cannot be edited to remove any personally identifying or contact information, the U.S. Department of State cautions against including any information in an electronic submission that one does not want publicly disclosed (including trade secrets and commercial or financial information that are privileged or confidential within the meaning of 19 U.S.C. 2605(i)(1)). Written comments submitted by fax or email are not accepted.
- *Regular Mail or Delivery.* If you wish to submit information that you believe to be privileged or confidential within the meaning of 19 U.S.C. 2605(i)(1), you may do so via regular mail, commercial delivery, or personal hand delivery to the following address: Cultural Heritage Center (ECA/P/C), SA–5, Floor C2, U.S. Department of State, 2200 C Street NW., Washington, DC 20522–05C2. Only written comments containing information that you believe to be privileged or confidential will be accepted via regular mail or delivery. Such comments must be received by September 30, 2016.

For further information, contact Isabella Strohmeyer, Program Coordinator, at 202–632–6198.

Dated: July 27, 2016.

Evan Ryan,

Assistant Secretary, Bureau of Educational and Cultural Affairs, U.S. Department of State.

[FR Doc. 2016–19018 Filed 8–9–16; 8:45 am]

BILLING CODE 4710–05–P

DEPARTMENT OF STATE

[Public Notice: 9667]

Notice of Proposal To Extend the Memorandum of Understanding Between the Government of United States of America and the Government of the Republic of Peru Concerning the Imposition of Import Restrictions on Archaeological Material From the Prehispanic Cultures and Certain Ethnological Material From the Colonial Period of Peru

The Government of the Republic of Peru has informed the Government of the United States of America of its interest in an extension of the *Memorandum of Understanding Between the Government of United States of America and the Government of the Republic of Peru Concerning the Imposition of Import Restrictions on*

Archaeological Material From the Prehispanic Cultures and Certain Ethnological Material From the Colonial Period of Peru ("the MOU").

Pursuant to the authority vested in the Assistant Secretary of State for Educational and Cultural Affairs, and pursuant to 19 U.S.C. 2602(f)(1), an extension of this MOU is hereby proposed.

A copy of the MOU, the Designated List of restricted categories of material, and related information can be found at the following Web site: *http://culturalheritage.state.gov.*

Dated: July 27, 2016.

Evan Ryan,

Assistant Secretary, Bureau of Educational and Cultural Affairs, U.S. Department of State.

[FR Doc. 2016–19013 Filed 8–9–16; 8:45 am]

BILLING CODE 4710–05–P

DEPARTMENT OF STATE

[Public Notice: 9643]

60-Day Notice of Proposed Information Collection: Request for Determination of Possible Loss of United States Citizenship

ACTION: Notice of request for public comment.

SUMMARY: The Department of State is seeking Office of Management and Budget (OMB) approval for the information collection described below. In accordance with the Paperwork Reduction Act of 1995, we are requesting comments on this collection from all interested individuals and organizations. The purpose of this notice is to allow 60 days for public comment preceding submission of the collection to OMB.

DATES: The Department will accept comments from the public up to October 11, 2016.

ADDRESSES: You may submit comments by any of the following methods:

- *Web:* Persons with access to the Internet may comment on this notice by going to *www.Regulations.gov.* You can search for the document by entering "Docket Number: DOS–2016–0047" in the Search field. Then click the "Comment Now" button and complete the comment form.
- *Email: RiversDA@state.gov*
- *Regular Mail:* Send written comments to: U.S. Department of State, CA/OCS/PMO, 2201 C. St. NW., Washington, DC 20522
- *Fax:* 202–736–9111

You must include the DS form number (if applicable), information collection title, and the OMB control number in any correspondence.

FOR FURTHER INFORMATION CONTACT: Direct requests for additional information regarding the collection listed in this notice, including requests for copies of the proposed collection instrument and supporting documents, to Derek A. Rivers, Bureau of Consular Affairs, Overseas Citizens Services (CA/OCS/PMO), U.S. Department of State, 2201 C. St. NW., Washington, DC 20522, who may be reached at *mailto:RiversDA@state.gov.*

SUPPLEMENTARY INFORMATION:

- *Title of Information Collection:* Request for Determination of Possible Loss of United States Citizenship.
- *OMB Control Number:* 1405–0178.
- *Type of Request:* Extension of a Currently Approved Collection.
- *Originating Office:* Bureau of Consular Affairs, Overseas Citizens Services (CA/OCS).
- *Form Number:* DS–4079.
- *Respondents:* United States Citizens.
- *Estimated Number of Respondents:* 600.
- *Estimated Number of Responses:* 600.
- *Average Time per Response:* 40 minutes.
- *Total Estimated Burden Time:* 400 hours.
- *Frequency:* On Occasion.
- *Obligation to Respond:* Voluntary, but if not completed, may not obtain or retain benefits.

We are soliciting public comments to permit the Department to:

- Evaluate whether the proposed information collection is necessary for the proper functions of the Department.
- Evaluate the accuracy of our estimate of the time and cost burden for this proposed collection, including the validity of the methodology and assumptions used.
- Enhance the quality, utility, and clarity of the information to be collected.
- Minimize the reporting burden on those who are to respond, including the use of automated collection techniques or other forms of information technology.

Please note that comments submitted in response to this Notice are public record. Before including any detailed personal information, you should be aware that your comments as submitted, including your personal information, will be available for public review.

Abstract of proposed collection:

The purpose of the DS–4079 questionnaire is to determine current citizenship status and the possibility of loss of United States citizenship. The information provided assists consular officers and the Department of State in determining if the U.S. citizen has lost his or her nationality by voluntarily performing an expatriating act with the intention of relinquishing United States nationality. 8 U.S.C. 1501 grants authority to collect this information.

Methodology:

The Bureau of Consular Affairs will post this form on Department of State Web sites to give respondents the opportunity to complete the form online, or print the form and fill it out manually and submit the form in person or by fax or mail.

Dated: July 7, 2016.

Michelle Bernier-Toth,

Managing Director, Bureau of Consular Affairs, Overseas Citizens Services, Department of State.

[FR Doc. 2016–19019 Filed 8–9–16; 8:45 am]

BILLING CODE 4710–06–P

DEPARTMENT OF STATE

[Public Notice: 9669]

In the Matter of the Review of the Designation of Liberation Tigers of Tamil Eelam (and Other Aliases) as a Foreign Terrorist Organization Pursuant to Section 219 of the Immigration and Nationality Act

Based upon a review of the Administrative Record assembled in this matter pursuant to Section 219(a)(4)(C) of the Immigration and Nationality Act, as amended (8 U.S.C. 1189(a)(4)(C)) ("INA"), and in consultation with the Attorney General and the Secretary of the Treasury, the Secretary of State concludes that the circumstances that were the basis for the designation of the aforementioned organization as a Foreign Terrorist Organization have not changed in such a manner as to warrant revocation of the designation and that the national security of the United States does not warrant a revocation of the designation.

Therefore, the Secretary of State hereby determines that the designation of the aforementioned organization as a Foreign Terrorist Organization, pursuant to Section 219 of the INA (8 U.S.C. 1189), shall be maintained.

This determination shall be published in the **Federal Register**.

Dated: July 22, 2016.

John F. Kerry,

Secretary of State.

[FR Doc. 2016–19022 Filed 8–9–16; 8:45 am]

BILLING CODE 4710–AD–P

DEPARTMENT OF STATE

[Public Notice: 9668]

Notice of Proposal to Extend the Memorandum of Understanding Between the Government of United States of America and the Government of the Republic of Cyprus Concerning the Imposition of Import Restrictions on Pre-Classical and Classical Archaeological Objects and Byzantine and Post-Byzantine Period Ecclesiastical and Ritual Ethnological Materials

The Government of the Republic of Cyprus has informed the Government of the United States of America of its interest in an extension of the *Memorandum of Understanding between the Government of United States of America and the Government of the Republic of Cyprus Concerning the Imposition of Import Restrictions on Pre-Classical and Classical Archaeological Objects and Byzantine and Post-Byzantine Period Ecclesiastical and Ritual Ethnological Materials* (''the MOU'').

Pursuant to the authority vested in the Assistant Secretary of State for Educational and Cultural Affairs, and pursuant to 19 U.S.C. 2602(f)(1), an extension of this MOU is hereby proposed.

A copy of the MOU, the Designated List of restricted categories of material, and related information can be found at the following Web site: *http://culturalheritage.state.gov.*

Dated: July 27, 2016.

Evan Ryan,

Assistant Secretary, Bureau of Educational and Cultural Affairs, U.S. Department of State.

[FR Doc. 2016–19014 Filed 8–9–16; 8:45 am]

BILLING CODE 4710–05–P

SURFACE TRANSPORTATION BOARD

[Docket No. AB 55 (Sub-No. 761X)]

CSX Transportation, Inc.—Discontinuance of Service Exemption—in Boone County, W. Va.

CSX Transportation, Inc. (CSXT), filed a verified notice of exemption under 49 CFR part 1152 subpart F—*Exempt Abandonments and Discontinuances of Service* to discontinue service over an approximately 9.1-mile rail line on its Southern Region, Florence Division, West Fork Subdivision, between milepost CLJ 0.0 and milepost CLJ 9.1, in Boone County, W. Va. (the Line). The Line traverse U.S. Postal Service Zip Codes 25093 and 25204, and includes the stations of (1) Van at milepost CLJ 0.0 (FSAC 82043/OPSL 65290), (2) Marnie at milepost CLJ 4.0 (FSAC 82049/OPSL 65320), and (3) Robin Hood at milepost CLJ 8.0 (FSAC 82047/OPSL 65325).

CSXT has certified that: (1) No local freight traffic has moved over the Line for at least two years; (2) there is no overhead traffic on the Line; (3) no formal complaint filed by a user of rail service on the Line (or by a state or local government entity acting on behalf of such user) regarding cessation of service over the Line is pending either with the Surface Transportation Board or any U.S. District Court or has been decided in favor of a complainant within the two-year period; and (4) the requirements at 49 CFR 1105.12 (newspaper publication) and 49 CFR 1152.50(d)(1) (notice to governmental agencies) have been met.

As a condition to this exemption, any employee adversely affected by the discontinuance of service shall be protected under *Oregon Short Line Railroad—Abandonment Portion Goshen Branch Between Firth & Ammon, in Bingham & Bonneville Counties, Idaho,* 360 I.C.C. 91 (1979). To address whether this condition adequately protects affected employees, a petition for partial revocation under 49 U.S.C. 10502(d) must be filed.

Provided no formal expression of intent to file an offer of financial assistance (OFA) to subsidize continued rail service has been received, this exemption will become effective on September 9, 2016.[1] unless stayed pending reconsideration. Petitions to stay that do not involve environmental issues and formal expressions of intent to file an OFA to subsidize continued rail service under 49 CFR 1152.27(c)(2)[2] must be filed by August 22, 2016.[3] Petitions to reopen must be filed by August 30, 2016, with the Surface Transportation Board, 395 E Street SW., Washington, DC 20423–0001.

A copy of any petition filed with the Board should be sent to CSXT's representative: Louis E. Gitomer, Law Offices of Louis E. Gitomer, LLC, 600 Baltimore Avenue, Suite 301, Towson, MD 21204.

If the verified notice contains false or misleading information, the exemption is void ab initio.

Board decisions and notices are available on our Web site at "*WWW.STB.DOT.GOV.*"

Decided: August 5, 2016.

By the Board, Joseph H. Dettmar, Acting Director, Office of Proceedings.

Kenyatta Clay,

Clearance Clerk.

[FR Doc. 2016–18981 Filed 8–9–16; 8:45 am]

BILLING CODE 4915–01–P

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[1] Pursuant to 49 CFR 1152.50(d)(2), the railroad must file a verified notice with the Board at least 50 days before an abandonment or discontinuance is to be consummated. CSXT has indicated a proposed consummation date of August 31, 2016, but, because the verified notice was filed on July 21, 2016, the earliest this transaction may be consummated is September 9, 2016.

[2] Each OFA must be accompanied by the filing fee, which is currently set at $1,600. *See* 49 CFR 1002.2(f)(25).

[3] Because this is a discontinuance proceeding and not an abandonment, interim trail use/rail banking and public use conditions are not appropriate. Because there will be an environmental review during abandonment, this discontinuance does not require an environmental review.

SUSQUEHANNA RIVER BASIN COMMISSION

Commission Meeting

AGENCY: Susquehanna River Basin Commission.

ACTION: Notice.

SUMMARY: The Susquehanna River Basin Commission will hold its regular business meeting on September 8, 2016, in Cooperstown, New York. Details concerning the matters to be addressed at the business meeting are contained in the Supplementary Information section of this notice.

DATES: The meeting will be held on Thursday, September 8, 2016, at 9 a.m.

ADDRESSES: The meeting will be held at The Otesaga Resort Hotel, Ballroom, 60 Lake Street, Cooperstown, NY 13326.

FOR FURTHER INFORMATION CONTACT: Jason E. Oyler, General Counsel, telephone: (717) 238–0423, ext. 1312; fax: (717) 238–2436.

SUPPLEMENTARY INFORMATION: The business meeting will include actions or presentations on the following items: (1) Informational presentation of interest to the Upper Susquehanna Subbasin area; (2) proposed rescission of the Commission's Information Technology Services Fee Policy; (3) ratification/approval of contracts/grants; (4) release of proposed rulemaking for public comment; (5) notice for Montage Mountain Resorts, LP project sponsor to appear and show cause before the Commission; and (6) Regulatory Program projects, including a request to extend an emergency certificate for Furman Foods, Inc.

Projects and proposed rescission of the Commission's Information Technology Services Fee Policy listed for Commission action are those that were the subject of a public hearing conducted by the Commission on August 4, 2016, and identified in the notice for such hearing, which was published in 81 FR 44407, July 7, 2016.

The public is invited to attend the Commission's business meeting. Comments on the Regulatory Program projects and proposed rescission of the Commission's Information Technology Services Fee Policy were subject to a deadline of August 15, 2016. Written comments pertaining to other items on the agenda at the business meeting may be mailed to the Susquehanna River Basin Commission, 4423 North Front Street, Harrisburg, Pennsylvania 17110–1788, or submitted electronically through *http://www.srbc.net/pubinfo/publicparticipation.htm.* Such comments are due to the Commission on or before September 2, 2016. Comments will not be accepted at the business meeting noticed herein.

Authority: Pub. L. 91–575, 84 Stat. 1509 *et seq.*, 18 CFR parts 806, 807, and 808.

Dated: August 5, 2016.

Stephanie L. Richardson,

Secretary to the Commission.

[FR Doc. 2016–18994 Filed 8–9–16; 8:45 am]

BILLING CODE 7040–01–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2016–0216]

Qualification of Drivers; Exemption Applications; Diabetes Mellitus

AGENCY: Federal Motor Carrier Safety Administration (FMCSA).

ACTION: Notice of applications for exemptions; request for comments.

SUMMARY: FMCSA announces receipt of applications from 46 individuals for exemption from the prohibition against persons with insulin-treated diabetes mellitus (ITDM) operating commercial motor vehicles (CMVs) in interstate commerce. If granted, the exemptions would enable these individuals with ITDM to operate CMVs in interstate commerce.

DATES: Comments must be received on or before September 9, 2016.

ADDRESSES: You may submit comments bearing the Federal Docket Management System (FDMS) Docket No. FMCSA–2016–0216 using any of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Follow the on-line instructions for submitting comments.
- *Mail:* Docket Management Facility; U.S. Department of Transportation, 1200 New Jersey Avenue SE., West Building Ground Floor, Room W12–140, Washington, DC 20590–0001.
- *Hand Delivery:* West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal Holidays.
- *Fax:* 1–202–493–2251.

Instructions: Each submission must include the Agency name and the docket numbers for this notice. Note that all comments received will be posted without change to *http://www.regulations.gov,* including any personal information provided. Please see the Privacy Act heading below for further information.

Docket: For access to the docket to read background documents or comments, go to *http://www.regulations.gov* at any time or Room W12–140 on the ground level of the West Building, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The Federal Docket Management System (FDMS) is available 24 hours each day, 365 days each year. If you want acknowledgment that we received your comments, please include a self-addressed, stamped envelope or postcard or print the acknowledgement page that appears after submitting comments on-line.

Privacy Act: In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to *www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *www.dot.gov/privacy.*

FOR FURTHER INFORMATION CONTACT: Christine A. Hydock, Chief, Medical Programs Division, (202) 366–4001, *fmcsamedical@dot.gov,* FMCSA, Department of Transportation, 1200 New Jersey Avenue SE., Room W64–113, Washington, DC 20590–0001. Office hours are 8:30 a.m. to 5 p.m., e.t., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

I. Background

Under 49 U.S.C. 31136(e) and 31315, FMCSA may grant an exemption from the Federal Motor Carrier Safety Regulations for a 2-year period if it finds "such exemption would likely achieve a level of safety that is equivalent to or greater than the level that would be achieved absent such exemption." The statute also allows the Agency to renew exemptions at the end of the 2-year period. The 46 individuals listed in this notice have recently requested such an exemption from the diabetes prohibition in 49 CFR 391.41(b)(3), which applies to drivers of CMVs in interstate commerce. Accordingly, the Agency will evaluate the qualifications of each applicant to determine whether granting the exemption will achieve the required level of safety mandated by statute.

II. Qualifications of Applicants

Dale E. Bliss

Mr. Bliss, 63, has had ITDM since 2016. His endocrinologist examined him in 2016 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Bliss understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Bliss meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2016 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Wisconsin.

Charles W. Bobbitt, III

Mr. Bobbitt, 52, has had ITDM since 1986. His endocrinologist examined him in 2016 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Bobbitt understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Bobbitt meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2016 and certified that he has stable nonproliferative diabetic retinopathy. He holds a Class A CDL from Washington.

Thomas Buckmaster

Mr. Buckmaster, 58, has had ITDM since 2015. His endocrinologist examined him in 2016 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Buckmaster understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely.

Mr. Buckmaster meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2015 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Florida.

Dustin L. Campbell

Mr. Campbell, 31, has had ITDM since 1994. His endocrinologist examined him in 2016 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Campbell understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Campbell meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2016 and certified that he does not have diabetic retinopathy. He holds an operator's license from Maryland.

Keith A. Cederberg

Mr. Cederberg, 58, has had ITDM since 2014. His endocrinologist examined him in 2016 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Cederberg understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Cederberg meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2016 and certified that he does not have diabetic retinopathy. He holds a Class B CDL from Minnesota.

Carlos A. Chapa

Mr. Chapa, 44, has had ITDM since 2013. His endocrinologist examined him in 2016 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Chapa understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Chapa meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2016 and certified that he does not have diabetic retinopathy. He holds an operator's license from Texas.

David E. Colorado

Mr. Colorado, 42, has had ITDM since 2010. His endocrinologist examined him in 2016 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Colorado understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Colorado meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2016 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Utah.

Francis J. Crawford

Mr. Crawford, 33, has had ITDM since 2000. His endocrinologist examined him in 2016 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Crawford understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Crawford meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2016 and certified that he does not have diabetic retinopathy. He holds a Class B CDL from New York.

James W. Creech

Mr. Creech, 67, has had ITDM since 2015. His endocrinologist examined him in 2016 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Creech understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Creech meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2016 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Indiana.

Kirk A. Devitis

Mr. Devitis, 46, has had ITDM since 2006. His endocrinologist examined him in 2016 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Devitis understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Devitis meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2016 and certified that he has stable nonproliferative diabetic retinopathy. He holds an operator's license from New Jersey.

Melinda L. Echols

Ms. Echols, 50, has had ITDM since 2016. Her endocrinologist examined her in 2016 and certified that she has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. Her endocrinologist certifies that Ms. Echols understands diabetes management and monitoring has stable control of her diabetes using insulin, and is able to drive a CMV safely. Ms. Echols meets the requirements of the vision standard at 49 CFR 391.41(b)(10). Her ophthalmologist examined her in 2016 and certified that she has stable nonproliferative diabetic retinopathy. She holds a Class A CDL from Washington.

Justin W. Garriott

Mr. Garriott, 44, has had ITDM since 1998. His endocrinologist examined him in 2016 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Garriott understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Garriott meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2016 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Wyoming.

David J. Goergen

Mr. Goergen, 40, has had ITDM since 2015. His endocrinologist examined him in 2016 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Goergen understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Goergen meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2016 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Minnesota.

Pedro L. Gonzalez

Mr. Gonzalez, 56, has had ITDM since 1999. His endocrinologist examined him in 2016 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Gonzalez understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Gonzalez meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2016 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Massachusetts.

Jeffrey K. Hagen

Mr. Hagen, 57, has had ITDM since 2009. His endocrinologist examined him in 2016 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Hagen understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Hagen meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2016 and certified that he does not have diabetic retinopathy. He holds an operator's license from Wisconsin.

Charles D. Hall

Mr. Hall, 61, has had ITDM since 2012. His endocrinologist examined him in 2016 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Hall understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Hall meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2016 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from California.

Daniel O. Hawley

Mr. Hawley, 59, has had ITDM since 2016. His endocrinologist examined him in 2016 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Hawley understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Hawley meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2016 and certified that he does not have diabetic retinopathy. He holds a Class B CDL from Illinois.

Eugene R. Huelskamp

Mr. Huelskamp, 53, has had ITDM since 1974. His endocrinologist examined him in 2016 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Huelskamp understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Huelskamp meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2016 and certified that he has stable proliferative diabetic retinopathy. He holds a Class A CDL from Ohio.

Dennis S. Hughes

Mr. Hughes, 60, has had ITDM since 2008. His endocrinologist examined him in 2016 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Hughes understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Hughes meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2016 and certified that he does not have diabetic retinopathy. He holds a Class B CDL from Texas.

Bonita K. Hunt

Ms. Hunt, 49, has had ITDM since 2015. Her endocrinologist examined her in 2016 and certified that she has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. Her endocrinologist certifies that Ms. Hunt understands diabetes management and monitoring has stable control of her diabetes using insulin, and is able to drive a CMV safely. Ms. Hunt meets the requirements of the vision standard at 49 CFR 391.41(b)(10). Her ophthalmologist examined her in 2016 and certified that she does not diabetic retinopathy. She holds a Class C CDL from North Carolina.

John M. Isley

Mr. Isley, 47, has had ITDM since 2009. His endocrinologist examined him in 2016 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Isley understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Isley meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2015 and certified that he does not have diabetic retinopathy. He holds an operator's license from North Carolina.

John T. Jameson

Mr. Jameson, 81, has had ITDM since 2005. His endocrinologist examined him in 2016 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Jameson understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Jameson meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2016 and certified that he does not have diabetic retinopathy. He holds an operator's license from Missouri.

Jeffrey A. Kidd

Mr. Kidd, 53, has had ITDM since 2013. His endocrinologist examined him in 2016 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Kidd understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Kidd meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2016 and certified that he does not have diabetic retinopathy. He holds an operator's license from Maryland.

Craig T. Kite

Mr. Kite, 51, has had ITDM since 2012. His endocrinologist examined him in 2016 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Kite understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Kite meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2016 and certified that he does not have diabetic retinopathy. He holds a Class B CDL from Ohio.

Donald E. Knowles

Mr. Knowles, 54, has had ITDM since 2016. His endocrinologist examined him in 2016 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Knowles understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Knowles meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2016 and certified that he does not have diabetic retinopathy. He holds a Class B CDL from Iowa.

Kevin E. Lester

Mr. Lester, 50, has had ITDM since 2014. His endocrinologist examined him in 2016 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Lester understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Lester meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2016 and certified that he has stable nonproliferative diabetic retinopathy. He holds a Class A CDL from Virginia.

Eric T. Maier

Mr. Maier, 52, has had ITDM since 2015. His endocrinologist examined him in 2016 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Maier understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Maier meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2016 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from California.

Javier Melendez

Mr. Melendez, 56, has had ITDM since 2007. His endocrinologist examined him in 2016 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Melendez understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Melendez meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2016 and certified that he does not have diabetic retinopathy. He holds an operator's license from Texas.

Brenda L. Mitchell

Ms. Mitchell, 67, has had ITDM since 2012. Her endocrinologist examined her in 2016 and certified that she has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. Her endocrinologist certifies that Ms. Mitchell understands diabetes management and monitoring has stable control of her diabetes using insulin, and is able to drive a CMV safely. Ms. Mitchell meets the requirements of the vision standard at 49 CFR 391.41(b)(10). Her optometrist examined her in 2016 and certified that she does not have diabetic retinopathy. She holds an operator's license from Kentucky.

Terry L. Neiman

Mr. Neiman, 65, has had ITDM since 2015. His endocrinologist examined him in 2016 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Neiman understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Neiman meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2016 and certified that he does not have diabetic retinopathy. He holds a Class B CDL from Pennsylvania.

Peter Z. Pall

Mr. Pall, 52, has had ITDM since 2010. His endocrinologist examined him in 2016 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Pall understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Pall meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2016 and certified that he does not have diabetic retinopathy. He holds an operator's license from Florida.

Joaquim Pedro

Mr. Pedro, 36, has had ITDM since 2007. His endocrinologist examined him in 2016 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Pedro understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Pedro meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2016 and certified that he does not have diabetic retinopathy. He holds a Class B CDL from New York.

Vernon Piper

Mr. Piper, 59, has had ITDM since 2014. His endocrinologist examined him in 2016 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Piper understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Piper meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2016 and certified that he does not have diabetic retinopathy. He holds a Class B CDL from New York.

Angelo Renieris

Mr. Renieris, 37, has had ITDM since 1982. His endocrinologist examined him in 2016 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Renieris understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Renieris meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2016 and certified that he has stable nonproliferative diabetic retinopathy. He holds a Class B CDL from New York.

Sean A. Rivera

Mr. Rivera, 28, has had ITDM since 2004. His endocrinologist examined him in 2016 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Rivera understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Rivera meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2016 and certified that he does not have diabetic retinopathy. He holds an operator's license from Arizona.

Kevin L. Ross

Mr. Ross, 42, has had ITDM since 2016. His endocrinologist examined him in 2016 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Ross understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Ross meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2016 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Alaska.

James R. Sauceda

Mr. Sauceda, 40, has had ITDM since 2014. His endocrinologist examined him in 2016 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Sauceda understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Sauceda meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2016 and certified that he has stable nonproliferative diabetic retinopathy. He holds a Class A CDL from New Mexico.

Kevin Stead

Mr. Stead, 49, has had ITDM since 2006. His endocrinologist examined him in 2016 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Stead understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Stead meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2016 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from New Jersey.

Jacob P. Trommer

Mr. Trommer, 22, has had ITDM since 2001. His endocrinologist examined him in 2016 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Trommer understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Trommer meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2016 and certified that he does not have diabetic retinopathy. He holds an operator's license from Ohio.

Nicholas D. Wall

Mr. Wall, 25, has had ITDM since 2000. His endocrinologist examined him in 2016 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Wall understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Wall meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2016 and certified that he does not have diabetic retinopathy. He holds an operator's license from South Dakota.

Tony B. Wetherell

Mr. Wetherell, 51, has had ITDM since 2015. His endocrinologist examined him in 2016 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Wetherell understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Wetherell meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2016 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Minnesota.

Mark A. Williams

Mr. Williams, 55, has had ITDM since 2015. His endocrinologist examined him in 2016 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Williams understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Williams meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2016 and certified that he has stable nonproliferative diabetic retinopathy. He holds an operator's license from Georgia.

Steven M. Wilson

Mr. Wilson, 56, has had ITDM since 2015. His endocrinologist examined him in 2016 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Wilson understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Wilson meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2016 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Illinois.

Don E. Wood, Jr.

Mr. Wood, 53, has had ITDM since 2015. His endocrinologist examined him in 2016 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Wood understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Wood meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2016 and certified that he does not have diabetic retinopathy. He holds an operator's license from Texas.

Kirk M. Wright

Mr. Wright, 36, has had ITDM since 2003. His endocrinologist examined him in 2016 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Wright understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Wright meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2016 and certified that he does not have diabetic retinopathy. He holds an operator's license from Nebraska.

Charles P. Zenns

Mr. Zenns, 50, has had ITDM since 2015. His endocrinologist examined him in 2016 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Zenns understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Zenns meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2016 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from New York.

III. Request for Comments

In accordance with 49 U.S.C. 31136(e) and 31315, FMCSA requests public comment from all interested persons on the exemption petitions described in this notice. We will consider all comments received before the close of business on the closing date indicated in the date section of the notice.

FMCSA notes that section 4129 of the Safe, Accountable, Flexible and Efficient Transportation Equity Act: A Legacy for Users requires the Secretary to revise its diabetes exemption program established on September 3, 2003 (68 FR 52441).[1] The revision must provide for individual assessment of drivers with diabetes mellitus, and be consistent with the criteria described in section 4018 of the Transportation Equity Act for the 21st Century (49 U.S.C. 31305).

Section 4129 requires: (1) Elimination of the requirement for 3 years of experience operating CMVs while being treated with insulin; and (2) establishment of a specified minimum period of insulin use to demonstrate stable control of diabetes before being allowed to operate a CMV.

In response to section 4129, FMCSA made immediate revisions to the diabetes exemption program established by the September 3, 2003 notice. FMCSA discontinued use of the 3-year driving experience and fulfilled the requirements of section 4129 while continuing to ensure that operation of CMVs by drivers with ITDM will achieve the requisite level of safety required of all exemptions granted under 49 U.S.C. 31136(e).

Section 4129(d) also directed FMCSA to ensure that drivers of CMVs with ITDM are not held to a higher standard than other drivers, with the exception of limited operating, monitoring and medical requirements that are deemed medically necessary.

The FMCSA concluded that all of the operating, monitoring and medical requirements set out in the September 3, 2003 notice, except as modified, were in compliance with section 4129(d). Therefore, all of the requirements set out in the September 3, 2003 notice, except as modified by the notice in the **Federal Register** on November 8, 2005 (70 FR 67777), remain in effect.

IV. Submitting Comments

You may submit your comments and material online or by fax, mail, or hand delivery, but please use only one of these means. FMCSA recommends that you include your name and a mailing address, an email address, or a phone number in the body of your document so that FMCSA can contact you if there are questions regarding your submission.

To submit your comment online, go to *http://www.regulations.gov* and in the search box insert the docket number FMCSA–2016–0216 and click the search button. When the new screen appears, click on the blue "Comment Now!" button on the right hand side of the page. On the new page, enter information required including the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation. If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit comments by mail and would like to know that they reached the facility, please enclose a stamped, self-addressed postcard or envelope.

We will consider all comments and material received during the comment period. FMCSA may issue a final determination at any time after the close of the comment period.

V. Viewing Comments and Documents

To view comments, as well as any documents mentioned in this preamble, go to *http://www.regulations.gov* and in the search box insert the docket number FMCSA–2016–0216 and click "Search." Next, click "Open Docket Folder" and you will find all documents and comments related to this notice.

Issued on: August 1, 2016.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2016–18984 Filed 8–9–16; 8:45 am]

BILLING CODE 4910–EX–P

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[1] Section 4129(a) refers to the 2003 notice as a "final rule." However, the 2003 notice did not issue a "final rule" but did establish the procedures and standards for issuing exemptions for drivers with ITDM.

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2015–0460]

Hours of Service of Drivers: Application for Exemption; Farruggio's Express

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of final disposition; grant of application for exemption.

SUMMARY: FMCSA announces its decision to grant Farruggio's Express (Farruggio), an exemption from the timecard requirements for its drivers who may not meet all of the conditions for use of the logbook exception for operations within a 100 air-mile radius of the normal work reporting location. This exemption enables Farruggio's drivers who stay within the 100 air-mile radius, but may occasionally exceed the 12 hour limitation, from having to complete a daily record of duty status (RODS). Instead, the drivers would at all times use an electronic logging system called Geotab to track HOS data, including real-time vehicle locations. FMCSA has analyzed the exemption application and the public comments and has determined that the exemption, subject to the terms and conditions imposed, will likely achieve a level of safety that is equivalent to, or greater than, the level that would be achieved absent such exemption.

DATES: The exemption is effective from August 10, 2016 through August 10, 2021.

FOR FURTHER INFORMATION CONTACT: Mr. Thomas Yager, Chief, FMCSA Driver and Carrier Operations Division; Office of Carrier, Driver and Vehicle Safety Standards; Telephone: 614–942–6477. Email: *MCPSD@dot.gov.*

SUPPLEMENTARY INFORMATION:

Background

FMCSA has authority under 49 U.S.C. 31136(e) and 31315 to grant exemptions from the Federal Motor Carrier Safety Regulations. FMCSA must publish a notice of each exemption request in the **Federal Register** (49 CFR 381.315(a)). The Agency must provide the public an opportunity to inspect the information relevant to the application, including any safety analyses that have been conducted. The Agency must also provide an opportunity for public comment on the request.

The Agency reviews the safety analyses and the public comments, and determines whether granting the exemption would likely achieve a level of safety equivalent to, or greater than, the level that would be achieved by the current regulation (49 CFR 381.305). The decision of the Agency must be published in the **Federal Register** (49 CFR 381.315(b)) with the reason for the grant or denial, and, if granted, the specific person or class of persons receiving the exemption, and the regulatory provision or provisions from which exemption is granted. The notice must also specify the effective period of the exemption (up to 5 years), and explain the terms and conditions of the exemption. The exemption may be renewed (49 CFR 381.300(b)).

Request for Exemption

Farruggio services railroad ramps and maritime piers in the eastern United States. Its regional programs include truckload and less-than-truckload service (dry van, flat bed and reefers) as well as piggyback and container service. All of Farruggio's drivers—approximately 95 to 100—and CMVs would operate under the terms of the requested exemption.

Virtually all of Farruggio's drivers operate within a 50- to 60-mile radius of their home terminal. They are home every day and for the most part meet the requirements and conditions for the logbook exception in 49 CFR 395.1(e)(1). Some of these drivers record their hours worked, while others record time in and out and total hours worked for the day on a worksheet provided to Farruggio. The company's application would exempt company drivers who stay within the 100 air-mile radius, but who may occasionally exceed the 12-hour limitation, from having to complete a daily RODS. These drivers nonetheless return to the terminal within the normal 14-hour driving window.

While Farruggio meets the requirements of the 100 air-mile radius exception, and believes that its drivers' hours are being recorded accurately, it has adopted a vehicle recording device that it claims exceeds the current HOS logbook recording requirements. Farruggio stated that the use of this device—the Geotab7—increases safety and accurately records all of the drivers' activities, including on-duty and driving time as well as total hours for that day. This device has been installed in all of Farruggio's CMVs, and, according to the applicant, exceeds even the requirements of FMCSA's Electronic Logging Device (ELD) rule. The Geotab 7's global positioning system (GPS) technology allows Farruggio to track vehicles, monitor all vehicle activities through connection to the engine control module, and accurately report drivers' hours driven and hours worked daily.

Farruggio believes that the use of the Geotab 7 system, along with its increased focus on driver training and education, demonstrates its commitment to more than simple compliance with the Federal regulations. The system has allowed and will continue to allow Farruggio to enhance timely safety oversight and reduce driver fatigue. Farruggio believes that its exemption application incorporates safety technologies that go beyond minimal compliance, and will enable the company to maintain a level of safety that is equivalent to or greater than the level of safety provided under the rule.

Public Comments

On February 12, 2016, FMCSA published notice of this application and requested public comment (81 FR 7626). The Agency received 17 comments. Supporting the exemption request were four motor carriers (TCW, Inc., Tiger Cool Express, Rail Delivery Services for itself and four other carriers, and Evans Delivery Company), two insurance firms (Baldwin & Lyons and Marsh McLennan Agency), the Intermodal Association of North America, and six individuals (Fred Marsicano, Ron Dorazio, Thomas Michel, Matt Carlton, Charles Bernier, and Val Noel). Opposed were one carrier (Randy Mower) and three individuals (Karl Penner, Lt. Raymond Cook, and Robert Vice).

Those supporting the request believe the ongoing and diligent use of Farruggio's telematics system is superior to a manual "honor system" to record driver work day information because it automates data collection and is therefore more precise and less error prone than a paper RODS system. They further believe the use of the Geotab7 system for safety management through identification of driving events is better at reducing crashes than a system which depends on citations, public reports of reckless driving, or actual crashes as indicators of inappropriate driving behaviors. Farruggio's proposed terms indicate a strong commitment to safety, compliance, and transparency as indicated by its willingness to give FMCSA and our State enforcement partners access to its data to use as a training and monitoring tool. Lastly, the use of this technology will aid Farruggio to proactively identify safety and compliance issues and to address them before they become more serious. ELD technology is a better means to record and maintain driver HOS, as well as the standard FMCSA will soon require motor carriers to meet.

Commenters opposing the request stated that extending the work day for a local or regional driver but not an over-the-road driver does not improve safety, as these rules are in place for safety reasons, not for convenience. Others said that studies consistently point to driver fatigue as a major safety concern because it contributes to a significant percentage of fatal truck crashes in this country. The HOS rules are designed to prevent crashes and save lives. Motor carriers across the country face wait times at rail yards, warehouses, and other locations, and each has found ways to adjust its operations in anticipation of these expected operational delays. Granting Farruggio's request would establish a bad precedent and necessitate the extension of this recordkeeping relief to others. Therefore, granting this or any other exemption to the HOS rules only serves to diminish their efficacy.

All comments are available for review in the docket for this notice.

FMCSA Decision

FMCSA has evaluated Farruggio's application for exemption and the public comments and decided to grant the exemption. The Agency believes that Farruggio's overall safety performance as reflected in its Safety Management System (SMS) ratings and its adoption of several fatigue and crash counter-measures, will enable it to achieve a level of safety that is equivalent to, or greater than, the level of safety achieved without the exemption (49 CFR 381.305(a)).

FMCSA believes that Farruggio's use of the Geotab 7 system raises the company's efforts to more than basic compliance. With the use of the electronic system, Farruggio's management is notified of safety-critical events as they occur so that they can take immediate corrective action.

This exemption would not extend the driving window beyond the basic limit of 14 hours. It substitutes a technological HOS recordkeeping system for a system using only time cards, and provides additional safety measures stated in the terms of the exemption. FMCSA has therefore decided to grant the exemption, subject to the terms and conditions outlined below.

Terms and Conditions of the Exemption

Terms of the Exemption

- Farruggio's drivers who stay within the 100 air-mile radius, but may occasionally exceed the 12 hour limitation are exempt from having to complete a daily record of duty status

(RODS) at those times if, at all times, their hours of service data is being recorded by the Geotab system.

- This exemption does not permit driving past the 14-hour limit.
- The exemption is contingent upon Farruggio maintaining USDOT registration, minimum levels of public liability insurance, and not being subject to any "imminent hazard" or other out-of-service (OOS) order issued by FMCSA.
- Drivers must have a copy of this notice or equivalent signed FMCSA exemption document in their possession while operating under the terms of the exemption. The exemption document must be presented to law enforcement officials upon request.
- Farruggio must have a "Satisfactory" safety rating with FMCSA, or be "unrated." (Void if FMCSA discontinues this type of ratings.)
- Farruggio must not have an "alert" in the SMS "BASIC" for HOS, as displayed at *http://ai.fmcsa.dot.gov/sms/*.
- Drivers operating under the exemption must comply with all other applicable provisions of the FMCSRs, including those pertaining to Automatic Onboard Recording Devices and Electronic Logging Devices.

Period of the Exemption

This exemption from the requirements of 49 CFR 395.1(e)(1) is effective from August 10, 2016 through August 10, 2021.

Extent of the Exemption

This exemption is limited to the provisions of 49 CFR 395.1(e)(1) (Short haul operations; 100 air-mile radius driver). These drivers must comply with all other applicable provisions of the FMCSRs, including those pertaining to Automatic Onboard Recording Devices and Electronic Logging Devices.

Preemption

In accordance with 49 U.S.C. 31313(d), as implemented by 49 CFR 381.600, during the period this exemption is in effect, no State shall enforce any law or regulation applicable to interstate commerce that conflicts with or is inconsistent with this exemption with respect to a firm or person operating under the exemption. States may, but are not required to, adopt the same exemption with respect to operations in intrastate commerce.

Notification to FMCSA

Under this exemption, Farruggio must notify FMCSA within 5 business days of any accident (as defined in 49 CFR 390.5), involving any of the motor carrier's drivers operating under the terms of this exemption. The notification must include the following information:

(a) Identity of Exemption: "FARRUGGIO"

(b) Date of the accident,

(c) City or town, and State, in which the accident occurred, or closest to the accident scene,

(d) Driver's name and license number,

(e) Co-driver's name and license number,

(f) Vehicle number and State license number,

(g) Number of individuals suffering physical injury,

(h) Number of fatalities,

(i) The police-reported cause of the accident,

(j) Whether the driver was cited for violation of any traffic laws, motor carrier safety regulations, and

(k) The total driving time and total on-duty time period prior to the accident.

Accident notifications shall be emailed to *MCPSD@dot.gov*.

Termination

FMCSA believes that Farruggio's drivers will continue to maintain their previous safety record while operating under this exemption. However, should problems occur, FMCSA will take all steps necessary to protect the public interest, including revocation or restriction of the exemption. FMCSA will immediately revoke or restrict the exemption for failure to comply with its terms and conditions.

Issued on: July 29, 2016.

T.F. Scott Darling, III,

Administrator.

[FR Doc. 2016–18978 Filed 8–9–16; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket No. FRA–2000–7257, Notice No. 82]

Railroad Safety Advisory Committee; Notice of Meeting

AGENCY: Federal Railroad Administration (FRA), Department of Transportation.

ACTION: Announcement of Railroad Safety Advisory Committee (RSAC) meeting.

SUMMARY: FRA announces the fifty-sixth meeting of the RSAC, a Federal Advisory Committee that develops railroad safety regulations through a consensus process. The RSAC meeting topics will include opening remarks from the FRA Administrator and the Associate Administrator for Railroad Safety and Chief Safety Officer. The Remote Control Locomotive, Track Standards, Hazardous Materials Issues, and Rail Integrity Working Groups, and Engineering Task Force will provide status reports. Informational presentations will be provided on the high-speed passenger rail equipment (Tier III) rulemaking; the System Safety Plan rulemaking; the status of Positive Train Control implementation; the Maintenance-of-Way, Drug and Alcohol, and Roadway Worker Protection final rules; and the potential certification of dispatchers and signal maintainers. This agenda is subject to change, including the adding more proposed tasks.

DATES: The RSAC meeting is scheduled to commence at 9:30 a.m. on Thursday, September 15, 2016, and will adjourn by 4:30 p.m.

ADDRESSES: The RSAC meeting will be held at the National Association of Home Builders, National Housing Center, located at 1201 15th Street NW., Washington, DC 20005. The meeting is open to the public on a first-come, first-served basis, and is accessible to individuals with disabilities. Sign and oral interpretation can be made available if requested 10 calendar days before the meeting.

FOR FURTHER INFORMATION CONTACT: Kenton Kilgore, RSAC Administrative Officer/Coordinator, FRA, 1200 New Jersey Avenue SE., Mailstop 25, Washington, DC 20590, (202) 493–6286; or Robert Lauby, Associate Administrator for Railroad Safety and Chief Safety Officer, FRA, 1200 New Jersey Avenue SE., Mailstop 25, Washington, DC 20590, (202) 493–6474.

SUPPLEMENTARY INFORMATION: Under Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), FRA is giving notice of a meeting of the RSAC. The RSAC was established to provide advice and recommendations to FRA on railroad safety matters. The RSAC is composed of 59 voting representatives from 38 member organizations, representing various rail industry perspectives. In addition, there are non-voting advisory representatives from the agencies with railroad safety regulatory responsibility in Canada and Mexico, the National Transportation Safety Board, and the Federal Transit Administration. The diversity of the RSAC ensures the requisite range of views and expertise necessary to discharge its responsibilities. See the RSAC Web site for details on prior RSAC activities and pending tasks at *http://rsac.fra.dot.gov/*. Please refer to the notice published in the **Federal**

Register on March 11, 1996 (61 FR 9740), for additional information about the RSAC.

Issued in Washington, DC, on August 2, 2016.

Robert C. Lauby,

Associate Administrator for Railroad Safety, Chief Safety Officer.

[FR Doc. 2016–19010 Filed 8–9–16; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket Number FRA–2016–0056]

Petition for Special Approval of Alternate Standard

In accordance with part 238 of Title 49 Code of Federal Regulations (CFR), this provides the public notice that by a document dated May 4, 2016, the Maryland Transit Administration (MTA) has requested a Special Approval of an alternate standard for 49 CFR 238.311(a), *Single car test,* as prescribed in 49 CFR 238.21(b), *Special approval procedure.* The Federal Railroad Administration (FRA) assigned the request Docket Number FRA–2016–0056.

MTA requests consideration for Special Approval of the submitted alternate standard identified as ''MARC Mechanical Department Single Car Air Brake Test—MARC IV Cab Standard Maintenance Instruction (SMI) M4–06002'' for single car testing of the MARC IV cab cars. MTA states that the proposed alternative maintenance standard provides an equivalent level of safety as the standard contained in American Public Transportation Association (APTA) PR–MS–005–98 Rev. 2.1, which is incorporated by reference at 49 CFR 238.311, *Single car test.* MARC IV cab cars are equipped with New York Air Brake CCBII electronic locomotive brake equipment, and cannot be qualified for trailer car use with an unmodified version of the referenced APTA standard. MTA considers that the information contained within its petition supports granting the use of an alternate standard to the APTA PR–M–S–005–98 standard for single car testing of the MARC IV cab cars as requested, and seeks FRA concurrence with MTA's conclusions drawn regarding the equivalency of air brake system validation identified in APTA PR–M–S–005–98 with implementation of the procedure, M4–06002.

Copies of these documents and the petition, as well as any written communications concerning the petition, are available for review online at *www.regulations.gov* and in person at the U.S. Department of Transportation's (DOT) Docket Operations Facility, 1200 New Jersey Avenue SE., W12–140, Washington, DC 20590. The Docket Operations Facility is open from 9 a.m. to 5 p.m., Monday through Friday, except Federal Holidays.

Interested parties are invited to participate in these proceedings by submitting written views, data, or comments. FRA does not anticipate scheduling a public hearing in connection with these proceedings since the facts do not appear to warrant a hearing. If any interested party desires an opportunity for oral comment, they should notify FRA in writing before the end of the comment period, and specify the basis for their request. All communications concerning these proceedings should identify the appropriate Docket Number and may be submitted by any of the following methods:

- *Web site: http://www.regulations.gov.* Follow the online instructions for submitting comments.
- *Fax:* 202–493–2251.
- *Mail:* Docket Operations Facility, U.S. Department of Transportation, 1200 New Jersey Avenue SE., W12–140, Washington, DC 20590.
- *Hand Delivery:* 1200 New Jersey Avenue SE., Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal Holidays.

Communications received by September 9, 2016 will be considered by FRA before final action is taken. Comments received after that date will be considered as far as practicable.

Anyone is able to search the electronic form of any written communications and comments received into any of FRA's dockets by the name of the individual submitting the comment (or signing the document, if submitted on behalf of an association, business, labor union, etc.). In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its processes. DOT posts these comments, without edit, including any personal information the commenter provides, to *www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *www.dot.gov/privacy.* See also *http://www.regulations.gov/#!privacyNotice* for the privacy notice of *regulations.gov.*

Issued in Washington, DC, on July 28, 2016.

Robert C. Lauby,

Associate Administrator for Railroad Safety, Chief Safety Officer.

[FR Doc. 2016–18954 Filed 8–9–16; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket Number FRA–2007–0030]

Petition for Waiver of Compliance

In accordance with part 211 of title 49 Code of Federal Regulations (CFR), this document provides the public notice that by a document dated June 15, 2016, the New Jersey Transit Corporation (NJ Transit) has petitioned the Federal Railroad Administration (FRA) for an extension of its existing waiver of compliance from certain provisions of the Federal railroad safety regulations. FRA assigned the petition Docket Number FRA–2007–0030.

NJ Transit owns and operates Southern New Jersey Light Rail Transit, a commuter light rail transit system operating for approximately 34 miles between Trenton, NJ, and Camden, NJ. This commuter operation is also known as the River Line and operates over a Conrail freight line. The operation uses non-FRA-compliant diesel multiple unit trainsets during an exclusive passenger period, temporally separated from Conrail's nightly freight operations over the same tracks. NJ Transit first requested FRA approval of the shared use arrangement and the associated regulatory waivers for this operation on July 13, 1999, in Docket Number 1999–6135, and has received subsequent extensions and modifications of this regulatory relief in 2004, 2005, 2006, 2007 (relating to ''Extended Temporal Separation Plan''), 2008 (related to further modifications to the temporal separation plan and for allowing increased maximum operating speed of 65 mph with 4 inches of cant deficiency), 2012 (baselining all prior relief into sole Docket Number FRA–2007–0030 so that all related waivers would expire at the same time), and again in 2013 (modification to include relief from 49 CFR part 242, Qualification and Certification of Conductors).

This request is consistent with the requirements set forth in the ''Statement of Agency Policy Concerning Jurisdiction Over the Safety of Railroad Passenger Operations and Waivers Related to Shared Use of the Tracks of the General Railroad System by Light

Rail and Conventional Equipment," 65 FR 42529 (July 10, 2000); see also "Joint Statement of Agency Policy Concerning Shared Use of the Tracks of the General Railroad System by Conventional Railroads and Light Rail Transit Systems," 65 FR 42626 (July 10, 2000).

In its present petition, NJ Transit seeks an extension of the terms and conditions of the 2012 waiver of compliance, and respectfully requests that FRA incorporates the subsequent terms and conditions granted in the 2013 relief so that all waivers are baselined from this time forward. NJ Transit again seeks relief from the following: 49 CFR part 219, Control of Alcohol and Drug Use; 49 CFR 221.13(a) and 221.14(a) (related to rear end marking devices); 49 CFR part 222, Use of Locomotive Horns at Public Highway-rail Grade Crossings (at locations and per the conditions of FRA's November 9, 2006 decision letter); 49 CFR 223.9(c), (d), and 223.15(c) (related to safety glazing); 49 CFR 229.125 (related to vehicle headlights and auxiliary lights); 49 CFR part 231, Railroad Safety Appliance Standards; 49 CFR 234.105(c)(3) (related to grade crossing warning system activation failures); 49 CFR 236.23, 236.502, 236.504, 236.507, 236.566 (related to railroad signal and train control systems*);* 49 CFR 238.113, 238.115(b)(4), 238.203, 238.205(a), 238.207, 238.209, 238.211, 238.213, 238.215, 238.217, 238.221(a), 238.223, 238.231(i), 238.233, 238.235, 238.237, and 238.301–238.319 (related to various aspects of FRA's passenger equipment safety standards); 49 CFR part 239, Passenger Train Emergency Preparedness; and 49 CFR part 242. NJ Transit also seeks FRA's approval to operate at 4 inches underbalance in accordance with 49 CFR 213.57.

A copy of the petition, as well as any written communications concerning the petition, is available for review online at *www.regulations.gov* and in person at the U.S. Department of Transportation's (DOT) Docket Operations Facility, 1200 New Jersey Avenue SE., W12–140, Washington, DC 20590. The Docket Operations Facility is open from 9 a.m. to 5 p.m., Monday through Friday, except Federal Holidays.

Interested parties are invited to participate in these proceedings by submitting written views, data, or comments. FRA does not anticipate scheduling a public hearing in connection with these proceedings since the facts do not appear to warrant a hearing. If any interested party desires an opportunity for oral comment, they should notify FRA, in writing, before the end of the comment period and specify the basis for their request.

All communications concerning these proceedings should identify the appropriate docket number (*e.g.,* Waiver Petition Docket Number FRA–2007–0030) and may be submitted by any of the following methods:

- Web site: *http://www.regulations.gov.* Follow the online instructions for submitting comments.
- Fax: 202–493–2251.
- Mail: Docket Operations Facility, U.S. Department of Transportation, 1200 New Jersey Avenue SE., W12–140, Washington, DC 20590.
- Hand Delivery: 1200 New Jersey Avenue SE., Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Communications received by September 26, 2016 will be considered by FRA before final action is taken. Comments received after that date will be considered as far as practicable.

Anyone is able to search the electronic form of any written communications and comments received into any of our dockets by the name of the individual submitting the comment (or signing the document, if submitted on behalf of an association, business, labor union, etc.). In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its processes. DOT posts these comments, without edit, including any personal information the commenter provides, to *www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *www.dot.gov/privacy.* See also *http://www.regulations.gov/#!privacyNotice* for the privacy notice of regulations.gov.

Robert C. Lauby,

Associate Administrator for Railroad Safety Chief Safety Officer.

[FR Doc. 2016–18955 Filed 8–9–16; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Federal Transit Administration

Transfer of Federally Assisted Land or Facility

AGENCY: Federal Transit Administration, DOT.

ACTION: Notice of intent to transfer Federally assisted land or facility.

SUMMARY: Section 5334(h) of the Federal Transit Laws, as codified, 49 U.S.C. 5301, *et seq.,* permits the Administrator of the Federal Transit Administration (FTA) to authorize a recipient of FTA funds to transfer land or a facility to a public body for any public purpose with no further obligation to the Federal Government if, among other things, no Federal agency is interested in acquiring the asset for Federal use. Accordingly, FTA is issuing this Notice to advise Federal Agencies that South Bend Public Transportation ("Transpo") intends to transfer the Leighton Parking Garage property (the "Facility") to the City of South Bend, acting by and through its Board of Public Works (the "City"). The Facility is located at 109 West Jefferson Boulevard, South Bend, Indiana. It is in downtown South Bend on a parcel of property bounded by Michigan Street, Jefferson Boulevard, Main Street, and Wayne Street.

The Facility is a parking garage with approximately 215 underground parking spaces and aproximately 429 above-ground parking spaces including all equipment used to control parking.

DATES: *Effective Date:* Any Federal agency interested in acquiring the Facility must notify the FTA Region V Office of its interest by September 9, 2016.

ADDRESSES: Interested parties should notify the Regional Office by writing to Marisol R. Simón, Regional Administrator, Federal Transit Administration, 200 West Adams, Suite 320, Chicago, IL 60606.

FOR FURTHER INFORMATION CONTACT: Kathryn Loster, Regional Counsel, at 312–353–3869.

SUPPLEMENTARY INFORMATION:

Background

49 U.S.C. Section 5334(h) provides guidance on the transfer of assets no longer needed. Specifically, if a recipient of FTA assistance decides an asset acquired at least in part with federal assistance is no longer needed for the purpose for which it was acquired, the Secretary of Transportation may authorize the recipient to transfer the asset to a local governmental authority to be used for a public purpose with no further obligation to the Government. 49 U.S.C. Section 5334(h)(l).

Determinations

The Secretary may authorize a transfer for a public purpose other than public transportation only if the Secretary decides:

(A) The asset will remain in public use for at least 5 years after the date the asset is transferred;

(B) There is no purpose eligible for assistance under this chapter for which the asset should be used;

(C) The overall benefit of allowing the transfer is greater than the interest of the

Government in liquidation and return of the financial interest of the Government in the asset, after considering fair market value and other factors; and

(D) Through an appropriate screening or survey process, that there is no interest in acquiring the asset for Government use if the asset is a facility or land.

Federal Interest in Acquiring Land or Facility

This document implements the requirements of 49 U.S.C. Section 5334(h)(l)(D). Accordingly, FTA hereby provides notice of the availability of the Facility further described below. Any Federal agency interested in acquiring the affected facility should promptly notify the FTA.

If no Federal agency is interested in acquiring the existing Facility, FTA will make certain that the other requirements specified in 49 U.S.C. Section 5334(h)(1)(A) through (C) are met before permitting the asset to be transferred.

The Facility to be transferred is a parking garage with approximately 215 underground and 429 above-ground parking spaces, and includes all equipment used in the control of parking. It was built in 2000. The Facility has six above-ground levels and a basement parking level. It is constructed of precast concrete with a brick and concrete façade. The Facility is situated within a block in downtown South Bend and is connected to two multi-story office buildings and a public plaza. Approximately 11,000 square feet of retail space is located on the ground level of the Facility. However, the multi-story office buildings, retail space, and public plaza are not owned by Transpo, and are not available for acquisition through this notice. The garage facility and connected buildings are commonly known as Leighton Plaza.

If no Federal agency is interested in acquiring the existing Facility, FTA will make certain that the other requirements specified in 49 U.S.C. Section 5334(h)(1)(A) through (C) are met before permitting the asset to be transferred.

Marisol Simón,

Regional Administrator, FTA Region V.

[FR Doc. 2016–18951 Filed 8–9–16; 8:45 am]

BILLING CODE P

DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials Safety Administration

Hazardous Materials: Notice of Applications for Special Permits

AGENCY: Pipeline and Hazardous Materials Safety Administration (PHMSA), DOT.

ACTION: List of applications for special permits.

SUMMARY: In accordance with the procedures governing the application for, and the processing of, special permits from the Department of Transportation's Hazardous Material Regulations (49 CFR part 107, subpart B), notice is hereby given that the Office of Hazardous Materials Safety has received the application described herein. Each mode of transportation for which a particular special permit is requested is indicated by a number in the "Nature of Application" portion of the table below as follows: 1—Motor vehicle, 2—Rail freight, 3—Cargo vessel, 4—Cargo aircraft only, 5—Passenger-carrying aircraft.

DATES: Comments must be received on or before September 9, 2016.

ADDRESSES: Record Center, Pipeline and Hazardous Materials Safety Administration U.S. Department of Transportation Washington, DC 20590. Comments should refer to the application number and be submitted in triplicate. If confirmation of receipt of comments is desired, include a self-addressed stamped postcard showing the special permit number.

FOR FURTHER INFORMATION CONTACT: Ryan Paquet, Director, Office of Hazardous Materials Approvals and Permits Division, Pipeline and Hazardous Materials Safety Administration, U.S. Department of Transportation, East Building, PHH–30, 1200 New Jersey Avenue Southeast, Washington, DC 20590–0001, (202) 366–4535.

SUPPLEMENTARY INFORMATION: Copies of the applications are available for inspection in the Records Center, East Building, PHH–30, 1200 New Jersey Avenue Southeast, Washington, DC or at *http://regulations.gov.*

This notice of receipt of applications for special permit is published in accordance with Part 107 of the Federal hazardous materials transportation law (49 U.S.C. 5117(b); 49 CFR 1.53(b)).

Issued in Washington, DC, on July 19, 2016.

Donald Burger,

Chief, Office of the Special Permits and Approvals.

Application No.	Docket No.	Applicant	Regulation(s) affected	Nature of the special permits thereof
SPECIAL PERMITS DATA				
20260–N		ROGERS HELICOPTERS, INC.	173.27(b)(2), 172.101(j), 172.200(a), 172.200, 172.204(c)(3), 172.400(b), 172.400a(a), 172.300(a), 172.300, 172.301(c), 175.75(b), 175.75(c), 178.1010(a)(1).	To authorize the transportation in commerce of certain hazardous materials by 14 CFR part 133 Rotorcraft External Load Operations transporting hazardous materials attached to or suspended from an aircraft, in remote areas of the US only, without being subject to hazard communication requirements, quantity limitations, and certain loading and stowage requirements. (mode 3).
20262–N		SHIJIAZHUANG ENRIC GAS EQUIPMENT CO., LTD.	173.302(a), 173.304(a)	To authorize the transportation of certain hazardous materials in non-DOT specification fiber reinforced composite cylinders. (mode 1).
20265–N		HYPERCOMP ENGINEERING, INC.	178.71(l)(ii)	To authorize the manufacture, mark, sale, and use of non-DOT specification composite overwrapped pressure vessels for the transportation of certain hazardous materials. (modes 1, 2, 3, 4).

Application No.	Docket No.	Applicant	Regulation(s) affected	Nature of the special permits thereof
20266–N		ZHEJIANG TIANTAI ZHANTU AUTOMOBILE SUPPLIES CO., LTD.	173.304(a), 172.304(d)	To authorize the manufacture, mark, sale and use of a non-refillable, non-DOT specification inside metal container conforming to all regulations applicable to a DOT specification 2Q for the transportation in commerce of the materials authorized by this special permit. (modes, 1, 2, 3, 4).
20271–N		BALL AEROSPACE & TECHNOLOGIES CORPORATION.	173.24(b)(1)	To authorize the transportation in commerce of DOT specification cylinders that have an identifiable release of hazardous materials during transportation. (mode 1).
20272–N		BALL AEROSPACE & TECHNOLOGIES CORPORATION.	173.24(b)(1), 173.185(a)	To authorize the transportation in commerce of low production lithium ion batteries contained in equipment via highway transportation. (mode 1).
20273–N		ATK LAUNCH SYSTEMS INC.	173.56(a), 172.320	To authorize the one-time, one-way transportation of blasting caps that have not been issued an EX approval. (mode 1).
20274–N		SDV (USA) INC	172.101(j), 172.300, 172.400, 173.21, 173.301, 173.302(a), 173.304(a).	To authorize the transportation in commerce of certain non-DOT specification containers containing certain Division 2.1, 2.2, 2.3 liquefied and compressed gases and other hazardous materials for use in specialty cooling applications such as satellites and military aircraft. (modes 1, 4).
20275–N		ST. LOUIS HELICOPTER LLC.	172.600, 172.200, 172.400, 172.300, 175.1(a).	To authorize the transportation in commerce in the U.S. only of certain hazardous materials by 14 CFR Part 133 Rotorcraft External Load Operations transporting hazardous materials attached to or suspended from an aircraft and 14 CFR part 135 operations transporting hazardous materials on board an aircraft. (mode 4).
20277–N		VAN HOOL NV	178.274(b), 178.277(b)	To authorize the manufacture, mark, sale, and use of portable tanks meeting the requirements of the latest edition of the Section VIII of the ASME Code. (mode 1, 2, 3).
20282–N		U.S. WATER ENERGY SERVICES, INC.	173.35(f)(1)	To authorize the transportation in commerce of a damaged IBC with corrosive residue on the outside of the container. (mode 1).

[FR Doc. 2016–18199 Filed 8–9–16; 8:45 am]

BILLING CODE 4909–60–M

DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials Safety Administration

Hazardous Materials: Notice of Applications for Special Permits

AGENCY: Pipeline and Hazardous Materials Safety Administration (PHMSA), DOT.

ACTION: List of applications for modification of special permits.

SUMMARY: In accordance with the procedures governing the application for, and the processing of, special permits from the Department of Transportation's Hazardous Material Regulations (49 CFR part 107, subpart B), notice is hereby given that the Office of Hazardous Materials Safety has received the application described herein. Each mode of transportation for which a particular special permit is requested is indicated by a number in the "Nature of Application" portion of the table below as follows: 1—Motor vehicle, 2—Rail freight, 3—Cargo vessel, 4—Cargo aircraft only, 5—Passenger-carrying aircraft.

DATES: Comments must be received on or before September 9, 2016.

ADDRESSES: Record Center, Pipeline and Hazardous Materials Safety Administration U.S. Department of Transportation Washington, DC 20590. Comments should refer to the application number and be submitted in triplicate. If confirmation of receipt of comments is desired, include a self-addressed stamped postcard showing the special permit number.

FOR FURTHER INFORMATION CONTACT: Ryan Paquet, Director, Office of Hazardous Materials Approvals and Permits Division, Pipeline and Hazardous Materials Safety Administration, U.S. Department of Transportation, East Building, PHH–30, 1200 New Jersey Avenue Southeast, Washington, DC 20590–0001, (202) 366–4535.

SUPPLEMENTARY INFORMATION: Copies of the applications are available for inspection in the Records Center, East Building, PHH–30, 1200 New Jersey Avenue Southeast, Washington, DC or at *http://regulations.gov.*

This notice of receipt of applications for special permit is published in accordance with Part 107 of the Federal hazardous materials transportation law (49 U.S.C. 5117(b); 49 CFR 1.53(b)).

Issued in Washington, DC, on July 19, 2016.

Donald Burger,

Chief, Office of the Special Permits and Approvals.

SPECIAL PERMITS DATA

Application No.	Docket No.	Applicant	Regulation(s) affected	Nature of the special permits thereof
11536–M	....	BOEING CO	172.101(j), 172.102(c), 173.24(g), 173.62, 173.185, 173.202, 173.211, 173.304A.	To modify the special permit to authorize an additional three part spacecraft shipping container; to authorize the transportation of lithium batteries which exceed the 35 kg weight limitation; and to authorize the transportation of anhydrous ammonia by cargo aircraft. (modes 1, 3, 4).
16060–M	....	DAE RYUK CAN CO., LTD.	173.304a(d)(3)(ii)	To modify the special permit to authorize an additional smaller container. (modes 1, 3, 4).
16394–M	....	CELLCO PARTNERSHIP	173.185(f)	To modify the special permit to authorize the transportation in commerce of damaged or defective lithium ion batteries. (modes 1, 2, 3).
16532–M	....	APPLE INC	173.185(f)	To modify the special permit to authorize an additional package. (modes 1, 2).
16598–M	....	SPACEFLIGHT INC	173.185	To modify the special permit to authorize additional lithium batteries. (mode 1).

[FR Doc. 2016–18200 Filed 8–9–16; 8:45 am]

BILLING CODE 4909–60–M

DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials Safety Administration

Special Permit Applications

AGENCY: Office of Hazardous Materials Safety, Pipeline and Hazardous Materials Safety Administration (PHMSA), DOT.

ACTION: Notice of actions on special permit applications.

SUMMARY: In accordance with the procedures governing the application for, and the processing of, special permits from the Department of Transportation's Hazardous Material Regulations (49 CFR part 107, subpart B), notice is hereby given of the actions on special permits applications in (June to June 2016). The mode of transportation involved are identified by a number in the "Nature of Application" portion of the table below as follows: 1—Motor vehicle, 2—Rail freight, 3—Cargo vessel, 4—Cargo aircraft only, 5—Passenger-carrying aircraft. Application numbers prefixed by the letters EE represent applications for Emergency Special Permits. It should be noted that some of the sections cited were those in effect at the time certain special permits were issued.

Issued in Washington, DC, on July 19, 2016.

Donald Burger,

Chief, Special Permits and Approvals Branch.

S.P. No.	Applicant	Regulation(s)	Nature of special permit thereof
MODIFICATION SPECIAL PERMIT GRANTED			
12399–M	Linde Gas North America, LLC Murray Hill, NJ.	49 CFR 180.209	To modify the special permit to authorize DOT Specification 3AL cylinders made of 6351–T6 aluminum to be requalified by ultrasonic examination and eddy current examination in accordance with 49 CFR Appendix C to Part 180.
14206–M	Digital Wave Corporation Centennial, CO.	49 CFR 172.203(a), 172.301(c), and 180.205.	To modify the special permit to add DOT Specification 3AX, 3AAX cylinders and 3T tubes which exceed 125 lbs water capacity for requalification by ultrasonic examination once every ten years.
16469–M	ACS UE Testing LLC Denver, CO.	49 CFR 172.203(a), 172.301(c), 180.205.	To modify the special permit to authorize the UE system to perform a 3 pass scan.
9232–M	U.S. Department of Defense Scott AFB, IL.	49 CFR Part 107, Subpart B, Part 172, Subparts C, D except 172.312.	To modify the special permit to identify the DOD as an offeror of hazardous materials and to clarify certain operational requirements by replacing AFR 71–4 with AFMAN 24–204 PREPARING HAZARDOUS MATERIALS FOR MILITARY AIR SHIPMENTS.
7573–M	U.S. Department of Defense Scott AFB, IL.	49 CFR Part 107, Subpart B, IL Part 172.	To modify the special permit to identify the DOD Part 175 as an offeror of hazardous materials and to clarify the authorized airports and update the loading and stowage requirements.
16146–M	U.S. Department of Defense Scott AFB, IL.	49 CFR 171.22(e), 172.101 Hazardous Materials Table Column (9B), International Civil Aviation Organization's Technical Instructions Part 3, Chapter 2, Table 3–1 Columns 12 and 13.	To modify the special permit to authorize Division 1.4 explosives and add optional packaging requirements AFMAN 24–204 PREPARING HAZARDOUS MATERIALS FOR MILITARY AIR SHIPMENTS.

S.P. No.	Applicant	Regulation(s)	Nature of special permit thereof
NEW SPECIAL PERMIT GRANTED			
16560–N	LightSail Energy, Inc. Berkeley, CA.	49 CFR 173.302(a)	To authorize the manufacture, mark, sale and use of a non-DOT specification fully wrapped carbon fiber reinforced composite cylinder with a non-lead sharing plastic liner for the purpose of transporting certain non-liquefied compressed gases in commerce. This cylinder meets all of the requirements of the ISO 11515 Standard with the exception of the design water capacity and the design safety factor. (modes 1, 2, 3).
16618–N	Farmers Grain Company Pond Creek, OK.	49 CFR 173.24b(a)(1), 173.315(m)(1)(iv).	To authorize the transportation in commerce of anhydrous ammonia in four (4) existing non-DOT specification cargo tanks commonly known as "nurse tanks" and considered an implement in husbandry. The tanks exceed the authorized capacity and are loaded by volume rather than by weight as required by the Hazardous Materials Regulations (HMR). (mode 1).
MODIFICATIONS SPECIAL PERMIT WITHDRAWN			
16572–M	Samsung Austin Semiconductor, LLC Austin, TX.	49 CFR 173.158(b), 173.158(e), 173.158(f).	To modify the special permit originally issued on an emergency basis to authorize an additional two years and to authorize drums to be emptied no more than 26 weeks after the initial date of filling instead of the current 6 months.
14429–M	Bayer HealthCare, LLC Cleveland, TN.	49 CFR 173.306(a)(3)(v)	To modify the special permit to authorize an additional DOT Specification 2P aluminum non-refillable inside container, add an additional Division 2.2 material, update "Consumer Commodity" to "Limited Quantity", change the capacity from volumetric "ounces" to "Net Weight Ounces" and update the drawing numbers of the inside containers.
DENIED			
16572–M	Request by Samsung Austin Semiconductor, LLC Austin, TX June 03, 2016. To modify the special permit to authorize removing unnecessary restrictions contained in paragraph 7.b. safety control measures.		
16463–N	Request by Salco Products Lemont, IL June 15, 2016. We would like to apply for a special permit to approve for use 1″–3″ thread by thread ball valves on tank cars produced by SW; Part numbers BWEV6666TTSE00100000, BWEV6666TTSELK100000, BWEV6LH20, BWEV6666TTSE00200000, BWEV6666TTSELK200000, BWEV6666TTSE00300000 and BWEV6666TTSE0030LKOO. These valves are currently on AAR approval number E079023 but the facility producing them has inadvertently allowed their facility certification to lapse. The facility is reapplying for facility approval but due to the high demand on the AAR the re-approval will not happen for an additional (6) months. Before the manufacturer realized the facility certification had lapsed valves were sold and placed into service. We are requesting a special permit to allow the continued use of the SVF valves listed above until such time the AAR can approve the facility. The facility has in place a current ISO 9001:2008 and an EC Certificate of Conformity certification from Lloyd's Register in addition to several PED and EC approvals as evidence of an in place quality system and its continued adherence. We do not believe there is any increase in risk by allowing the continued use of these valves based upon the evidence of an in place quality system and a review of the quality performance associated with these valves. There are currently no known open issues with the valves in service. The manufacturer of these valves has been in business and providing these valves for use on tank cars for 20+ years. There has been no change in manufacturing, materials or design. The special permit is for the manufacturer to be applied to all shippers utilizing the above listed valves.		

[FR Doc. 2016–18198 Filed 8–9–16; 8:45 am]

BILLING CODE 4909–60–M

DEPARTMENT OF THE TREASURY

Community Development Financial Institutions Fund

Information Collection Request; Notice and Request for Public Comment

SUMMARY: The U.S. Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the Community Development Financial Institutions Fund (CDFI Fund), U.S. Department of the Treasury, is soliciting comments concerning the Bank Enterprise Award Program (BEA Program) Application.

DATES: Written comments must be received on or before October 11, 2016 to be assured of consideration.

ADDRESSES: Submit your comments via email to Bob Ibanez, BEA Program Manager, CDFI Fund, at *bea@cdfi.treas.gov.*

FOR FURTHER INFORMATION CONTACT: Bob Ibanez, BEA Program Manager, CDFI Fund, U.S. Department of the Treasury, 1500 Pennsylvania Avenue NW., Washington, DC. 20220. Other information regarding the CDFI Fund and its programs may be obtained through the CDFI Fund's Web site at *http://www.cdfifund.gov.*

SUPPLEMENTARY INFORMATION:

Title: Bank Enterprise Award Program Application.

OMB Number: 1559–0005.

Abstract: The purpose of the Bank Enterprise Award Program (BEA Program) is to provide an incentive to FDIC-insured depository institutions to increase their activities in the form of loans, investments, services, and technical assistance, within distressed communities and provide financial assistance to community development financial institutions through grants, stock purchases, loans, deposits, and other forms of financial and technical assistance. The CDFI Fund will make awards through the BEA Program to FDIC-insured depository institutions, based upon such institutions' completion of certain qualified activities, as reported in the application. The application will solicit information concerning: applicants' eligibility to participate in the BEA Program; the quantity (value) of applicants' activities, and the extent to which such activities may be qualified activities; and appropriate supporting documentation. The questions that the application contains, and the information generated thereby, will enable the CDFI Fund to evaluate applicants' activities and determine the extent of applicants' eligibility for BEA Program awards.

Current Actions: Renewal of Existing Information Collection.

Type of Review: Regular Review.

Affected Public: Private Sector, businesses or other for-profits, not-for-profit institutions; State, Local, and Tribal Governments.

Estimated Number of Respondents: 75.

Estimated Annual Time per Respondent: 20 hours.

Estimated Total Annual Burden Hours: 1,500 hours.

Requests for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record and may be published on the CDFI Fund Web site at *http://www.cdfifund.gov.* Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the CDFI Fund, including whether the information shall have practical utility; (b) the accuracy of the CDFI Fund's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Authority: 12 U.S.C. 1834a, 4703, 4713, 4717; 12 CFR part 1806.

Dennis E. Nolan,

Deputy Director, Community Development Financial Institutions Fund.

[FR Doc. 2016–18559 Filed 8–9–16; 8:45 am]

BILLING CODE 4810–70–P

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION
1985

FEDERAL REGISTER

Vol. 81 Wednesday,
No. 154 August 10, 2016

Part II

The President

Proclamation 9473—National Health Center Week, 2016
Memorandum of August 5, 2016—Transfer of Unified Command Plan Responsibilities

Federal Register
Vol. 81, No. 154
Wednesday, August 10, 2016

Presidential Documents

Title 3—

The President

Proclamation 9473 of August 5, 2016

National Health Center Week, 2016

By the President of the United States of America

A Proclamation

Across America, community health centers offer affordable, high-quality health care to people regardless of their financial status. For more than 50 years, underserved communities and vulnerable populations have relied on the primary and preventive care options these centers provide. During National Health Center Week, we reflect on the important role that health centers have played in delivering the comprehensive care all people deserve.

With a strong focus on community-based and patient-centered care, health centers offer more than just treatment for illnesses and injuries; through an emphasis on education and prevention, they promote wellness and help people lead healthier lives. Anyone seeking care can locate their nearest community health center by using the "Find a Health Center" tool at www.HRSA.gov. Health centers have also played an important part in implementing the Affordable Care Act (ACA). In addition to giving 20 million more Americans the peace of mind of having quality, affordable health insurance, the ACA has enabled health centers to add more than 950 new service delivery sites across our country. Today, nearly 1,400 health centers operate approximately 9,800 service delivery sites and provide care for nearly 23 million patients.

Health centers are an important part of our Nation's health care system, and my Administration remains committed to supporting these facilities and the care they deliver. This year, we invested $94 million to help health centers treat people suffering from substance use disorders—including prescription opioid abuse and heroin use. We have also made new investments to build and renovate health center facilities across our country to help serve more patients and increase availability of oral health services. And because America's health centers are uniquely positioned to address certain public health challenges, we have increased funding to expand critical services in communities that need them most. We have made key investments to help health centers respond to the water crisis in Flint, Michigan, and combat the growing threat from the Zika virus in Puerto Rico, the U.S. Virgin Islands, and American Samoa.

This week, let us thank the dedicated professionals in our community health centers who provide quality care at affordable prices. Let us build on their efforts to improve the well-being of our people and together continue working to bring about a stronger, healthier Nation for all.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim the week of August 7 through August 13, 2016, as National Health Center Week. I encourage all Americans to celebrate this week by visiting their local health center, meeting health center providers, and exploring the programs they offer to help keep families healthy.

IN WITNESS WHEREOF, I have hereunto set my hand this fifth day of August, in the year of our Lord two thousand sixteen, and of the Independence of the United States of America the two hundred and forty-first.

[FR Doc. 2016–19199
Filed 8–9–16; 11:15 am]
Billing code 3295–F6–P

Presidential Documents

Memorandum of August 5, 2016

Transfer of Unified Command Plan Responsibilities

Memorandum for the Secretary of Defense

Pursuant to my authority as Commander in Chief, I hereby approve your request dated June 16, 2016 and direct the transfer of the requested responsibilities in the Unified Command Plan.

Consistent with title 10, United States Code, section 161(b)(2) and title 3, United States Code, section 301, you are directed to notify the Congress on my behalf.

You are authorized and directed to publish this memorandum in the *Federal Register*.

THE WHITE HOUSE,
Washington, August 5, 2016

[FR Doc. 2016–19201
Filed 8–9–16; 11:15 am]
Billing code 5001–06–P

Reader Aids

Federal Register

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